

Internal Labour Migration in Myanmar

*Building an evidence-base on patterns in migration,
human trafficking and forced labour*

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Building an evidence-base on patterns in
migration, human trafficking and forced labour

International Labour Organization

ILO Liaison Officer for Myanmar

Report prepared by Kimberly Rogovin
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Foreword

Combatting human trafficking is a priority for Myanmar. The Government of Myanmar has promulgated an Anti-Trafficking in Persons Law, established a Central Body for Suppression of Trafficking in Persons (comprised of three working committees), developed a Five-Year National Plan of Action to Combat Human Trafficking, and made a joint commitment to end all forms of human trafficking with six other countries in the Greater Mekong Sub-Region. The Government has promoted international cooperation around the issue of human trafficking and has adopted international migration policies which seek to protect undocumented migrants abroad. In addition, the Government has passed a law for the eradication of forced labour, is cooperating with the United Nations to end child recruitment and use in the armed forces, has passed laws to allow the formation of unions and has undertaken other changes.

Human trafficking trends change depending on the political, social and economic context, as well as due to natural disasters or other crises that affect the overall context.

The ILO's internal labour migration and trafficking survey report is the first report within the current Government on the topic. I believe that the report will fill an information gap to assist all actors in understanding the root causes of human trafficking. This includes understanding the forms of forced labour, vulnerable groups, vulnerability factors, potential industries where trafficking may occur, labour demand and exploitation and abuse of workers depending on age, sex and other variables.

Combatting human trafficking and the elimination of forced labour is our national duty. There is a gap between the real problems and the ability of current policies to deal with those problems. This survey will assist in understanding those gaps. I believe that the report will support policy-makers as well as donors to formulate more effective policies and action plans, and will encourage new forms of cooperation between the Ministry of Labour, Employment and Social Security, the Myanmar Police Force and private sector actors.

Because labour trafficking cases in Myanmar have been higher than that of other forms of human trafficking, it thus needs comprehensive planning and action.

Therefore, I would like to express that it is a very appropriate time to use the information in this report to develop the plan for the remaining year of the Second Five-Year National Plan of Action to Combat Human Trafficking and the upcoming Third Five-Year National Plan of Action.



Brigadier General Win Naing Tun
Head, Anti-Trafficking in Persons Division
The Republic of the Union of Myanmar

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Abbreviations, acronyms and other terms

ATIPD	Anti-Trafficking in Persons Division
ATTF	Anti-Trafficking Task Force
CBTIP	Central Body for Suppression of Trafficking in Persons
CSC	Citizenship Scrutiny Card
CSPro	Census and Survey Processing System
FGLLID	Factories General Labour Laws Inspection Department
HTWG	Human Trafficking Working Group
ILO	International Labour Organization
LEO	Labour Exchange Office
MOLES	Ministry of Labour, Employment and Social Security
MIMU	Myanmar Information Management Unit
SPSS	Statistical Package for the Social Sciences
USAID	United States Agency for International Development
Myanmar kyat	Referred to as MMK throughout the report and is converted into US\$ at MMK1,271 to \$1.
<i>Pyi</i>	A measurement unit equal to 2.6 millilitres.
<i>Pwe sar</i>	Myanmar language term which translates closely to “broker”. In the context of labour migration, it refers to a person who communicates the terms of a job to a potential worker on behalf of an employer. A <i>pwe sar</i> sometimes charges a fee for services provided and sometimes provides a loan.

Executive summary

Introduction

The International Labour Organization (ILO) has collaborated with the Myanmar Government to address and end forced labour since 2002. Although such efforts have aimed to eliminate the illegal practice of forced labour exacted by government officials, forced labour in the private sector is a more recently recognized issue that has yet to be comprehensively addressed. With regard to human trafficking, international and government responses have largely focused on combatting transnational trafficking in persons, with less attention to its occurrence in the domestic context.

Since 2011, Myanmar has undertaken a political, economic and legal reform process and has engaged with the international community more actively and broadly than it had in previous decades. This has included initiatives that recognize the prevalence of human trafficking occurring across and within its borders.

Internal labour migration has been steadily increasing in Myanmar and is likely to continue to do so in the context of the country's rapid economic development and growth. However, there is an absence of quantitative and qualitative data on patterns in labour migration, recruitment arrangements and the working and living conditions of internal labour migrants.

Acknowledging these emerging opportunities and related research needs, the ILO-Yangon partnered with the Anti-Trafficking in Persons Division (ATIPD) and a network of civil society organizations to conduct a survey designed to identify patterns in internal labour migration, exploitive labour practices and human trafficking among 7,295 internal labour migrants. The findings and related recommendations provide a basis for conceiving evidence-based actions that could be carried out by a range of community, government, private and international actors to prevent the abuse and exploitation of internal labour migrants in Myanmar.

Conceptual and analysis framework

All aspects of the survey design were based on the ILO methodology featured in *Hard to see, harder to count: Survey guidelines to estimate the forced labour of adults and children*, which provides information and tools that enable practitioners to undertake national surveys on forced labour and human trafficking.

Using these guidelines, a conceptual framework was developed that included operational definitions of forced labour and human trafficking in accordance with Myanmar and international law. 'Forced labour' was defined as "work for which a person has not offered himself or herself voluntarily (the concept of 'involuntariness') and which is performed under the threat of any penalty applied by an employer or a third party to the worker (the concept of 'coercion')". According to the *Hard to see, harder to count* guidelines, there are three dimensions to forced labour: (i) 'unfree recruitment', which covers forms of forced and deceptive recruitment; (ii) 'work and life under duress', which entails adverse working or living situations imposed on a person; and (iii) 'impossibility of leaving an employer', which covers situations in which leaving the job would entail a penalty or risk to the worker. For a case to constitute 'forced labour' in any of these dimensions, it must involve aspects of both 'involuntariness' and 'coercion'.

During consultations with a range of local actors, a national set of indicators for 'involuntariness' and 'coercion' were developed for each of the three dimensions. According to the analysis framework, when adequate indicators of 'involuntariness' and 'coercion' were established within any of the three dimensions, the person could be said to be in a situation of forced labour.

For the purpose of the study, ‘trafficking for forced labour’ was defined as “the recruitment, transportation, transfer, sale, purchase, or hiring of a person through means of threat or use of force, coercion, abduction, fraud, deception, or abuse of power of a position of vulnerability, for the purpose of exploitation (forced labour).” For cases of ‘trafficking for forced labour’ to be determined, adequate indicators of ‘involuntariness’ and ‘coercion’ specifically in relation to the dimension of ‘unfree recruitment’ were necessary, in addition to one of the other two dimensions of forced labour.

The questionnaires were then designed around the indicators, and statistical software was used that translated the answers into “commands”, so that cases of ‘forced labour’ or cases of ‘trafficking for forced labour’ would be identified automatically wherever the necessary conditions were met for an individual respondent.

Field research methodology

The survey employed quantitative methods to collect information from internal migrants, relying primarily on a non-probability sampling method designed to capture hard-to-reach populations. A network of 12 civil society organizations was established, which was central to enabling access to communities and conducting interviews in a sensitive manner. The civil society organizations suggested the research sites, selected capable surveyors from the communities where the interviews would be conducted and oversaw the data collection process in coordination with the ILO-Yangon.

The targeted population for the survey was male and female internal labour migrants between the ages of 15 and 60. To capture up-to-date trends in recruitment, migration and working and living conditions, respondents were selected if they had migrated for work between January 2013 and April 2015. Using a standardized questionnaire, respondents were interviewed only about the first job taken following their migration. This ensured that the job was connected to their recruitment and migration, which was necessary to analyse the components together to determine cases of trafficking. It was also required that workers had an employer for the job in question, as the ILO analysis framework for forced labour relies on coercion having been applied by an employer, boss, manager or their associates.

The survey findings were combined with the qualitative input from individual interviews and group discussions with internal labour migrants, government authorities and representatives of UN agencies, international NGOs and local organizations working on migration, trafficking and labour issues.

Summary of main research findings

In April 2015, 186 trained surveyors (94 male and 92 female) interviewed a total of 7,295 internal labour migrants, reaching an average of 520 respondents in each of the 14 states/regions and covering an average of four townships in each state/region. The respondents were interviewed about a job in one of 14 industry groupings: construction, manufacturing, agriculture, mining, wholesale/retail trade, fishing, forestry, transportation, hotels, food/beverage services, building/land services, amenity services, domestic services and sex services.

Profile of internal labour migrants surveyed

- Among the 7,295 respondents, 94 per cent were aged 18 or older and 6 per cent were younger than 18; 66 per cent were male and 34 per cent were female.
- Approximately 72 per cent of respondents identified as ethnic Bamar, while 27 per cent stated an ethnicity that was within one of seven other ethnic groupings recognized by the Myanmar Government.
- As many as 90 per cent of the respondents interviewed were Buddhist, 9 per cent Christian, and the remaining 1 per cent were Muslim, Hindu or Animist.
- On average, respondents came from households with five members, with an average of two of those members earning money.
- The average household income was 1,540,963 kyat (MMK) (US \$1,212), and the average household debt was MMK447,711 (\$352).
- Regarding educational attainment, 63 per cent of respondents had completed grade nine; 24 per cent had started high school, but only 6 per cent of them had graduated.

Geographic patterns in migration

- Overall, a greater number of respondents migrated for work across a state/region (62 per cent) than within a state/region (38 per cent). However, this trend was not uniform among all respondents; respondents originating in one of Myanmar's regions were more likely to migrate to another one of the 14 states/regions than within their region, while respondents originating in one of the states migrated in larger numbers within their own state than they did cumulatively to other states/regions.
- Among all respondents, those originating in a rural area were more likely to migrate to another rural area than to an urban area. Similarly, respondents originating in an urban area were more likely to migrate to another urban area than to a rural area. These patterns were observed among respondents who migrated within a state/region. However, among respondents who migrated across states/regions, migration from a rural to an urban area was more common.

Recruitment and migration conditions

- All respondents made the decision to migrate for work due to a stated need for money or lack of employment opportunities in their origin area, although some respondents also stated additional reasons for migrating.
- Respondents typically made the decision to migrate independently (72 per cent of 7,295), while some made the decision with their family (26 per cent).
- Jobs were arranged either before migrating (54 per cent) or upon arrival in the destination area (46 per cent).
- Most respondents received some type of recruitment assistance from another person (72 per cent of 7,295). Among those 5,233 respondents:
 - The majority already knew the person who assisted them, with most receiving assistance from friends, relatives or other acquaintances (86 per cent);
 - 9 per cent used a labour broker, referred to as *pwe sar* in Myanmar language;
 - 5 per cent stated that the person who assisted them – be it a family member, *pwe sar* or other – had a recruitment license, with men being slightly more likely to be assisted by a recruiter with a license than women; and
 - 3 per cent paid a recruitment fee, with an average of MMK31,584 (\$25) paid.

Job contract or agreement

- Most respondents had a verbal agreement with the employer about the conditions of work (73 per cent of 7,295), while 11 per cent received information about the working conditions from another person, and 9 per cent started the job without any information provided at all.
- Only 7 per cent of respondents had a written contract with their employer, despite its requirement under law. Among the 495 respondents who had a written contract, 174 stated they did not fully understand their contract, with female respondents less likely to fully understand their contract than male respondents.

General working conditions

- Respondents earned an average of MMK108,180 (\$85) per month. Male respondents earned an average of MMK121,775 (\$96) and female respondents earned an average of MMK82,319 (\$65) per month. Men earned more money per month than women across all industries except those working in hotels. Adult respondents earned an average of MMK110,197 (\$87), and children earned an average of MMK79,192 (\$62) per month.
- Approximately 60 per cent of respondents worked seven days per week, 28 per cent worked six days per week, and 9 per cent worked four to five days per week.
- Approximately 26 per cent of respondents worked eight hours per day, 32 per cent worked nine to ten hours and 33 per cent worked 11 to 15 hours per day (excluding breaks).
- A total of 4,280 respondents were given some time off per month (59 per cent), while 41 per cent were not. Among the 4,280 respondents who had time off per month, only 35 per cent of them were given paid time off.
- A total of 2,962 respondents were required to work overtime by their employers (41 per cent), while 59 per cent were not. Among those 2,962 overtime workers, 40 per cent were not paid at a higher rate for their overtime work.

Occupational safety and health

- Respondents across all industries commonly reported exposure to dust or fumes; extremely hot or cold air temperatures; and loud noises or vibrations. Smaller numbers of respondents reported exposure to chemicals and toxic smells; working in a confined space; insufficient ventilation; and touching extremely hot or cold materials.
- Respondents across all industries reported suffering common injuries, including superficial injuries or open wounds; dislocations, sprains or strains; skin problems; burns, corrosions or scalds from frostbite; breathing problems; and eye or vision problems.

Living conditions

- Among all respondents, 65 per cent lived in housing provided by their employer, with women more likely to live in employer-provided housing than men.
- On average, respondents shared sleeping quarters with six other people.
- In the focus group discussions, respondents explained that internal migrants are often unable to afford to rent housing in a new area and must construct their own housing out of basic materials, typically near the work site, and may be subject to paying bribes to stay or face destruction of housing by authorities.

Reluctance to report problems to authorities

- In the focus group discussions, respondents reported a reluctance to report abuse by employers and recruiters to police or labour authorities due to a belief that no action would be taken or that they would face some type of negative consequence as a result.

Indicators of trafficking and forced labour

The following charts reflect the prevalence of indicators of either ‘involuntariness’ or ‘coercion’ that were developed for the analysis framework. Figures A and B show the prevalence of these indicators during the recruitment and migration stages of labour migration. During these stages, the most prevalent indicators of ‘involuntariness’ experienced by respondents were deception about the conditions or nature of work. In such cases, recruiters offered particular working arrangements that ultimately turned out to be different than what was initially promised. In a small number of cases, respondents were abducted or “sold” into the job. Recruiters and transporters also used forms of ‘coercion’, such as physical violence, withholding of identification documents or arbitrary inflation of debt to prevent migrants from refusing to take the job.

Figure A. Indicators of involuntary recruitment (n=7,295)

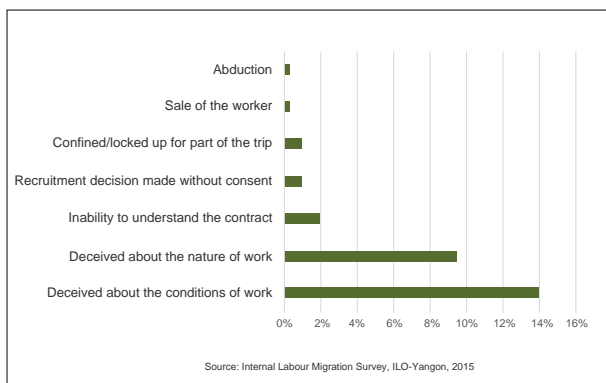
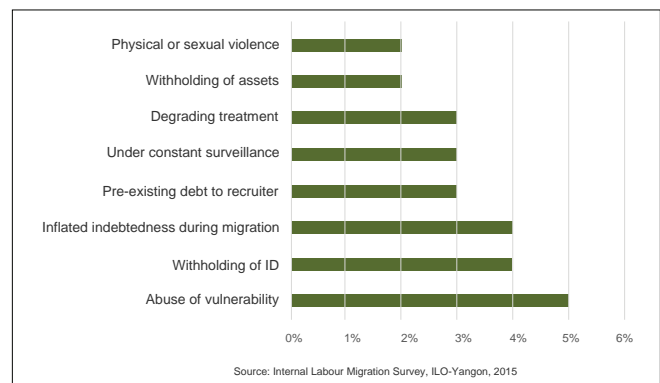


Figure B. Indicators of coercive recruitment (n=7,295)



Figures C and D show indicators of ‘involuntariness’ and ‘coercion’ affecting the respondents’ working and living conditions. The most prevalent indicators of ‘involuntariness’ experienced by respondents were being required to do tasks or work overtime outside of the initial job agreement; required to work without breaks or while sick or injured; or faced movement and communication restrictions that prevented a worker from engaging with family and friends at will. During this stage, respondents also experienced forms of ‘coercion’ applied by employers that prevented them from leaving the job, including the use of constant surveillance as intimidation; threats of worse working conditions, changes to wages or dismissal; isolation, deprivation of food, water and sleep or other degrading treatment; or being confined in the work or living space.

Figure C. Indicators of involuntary working conditions (n=7,295)

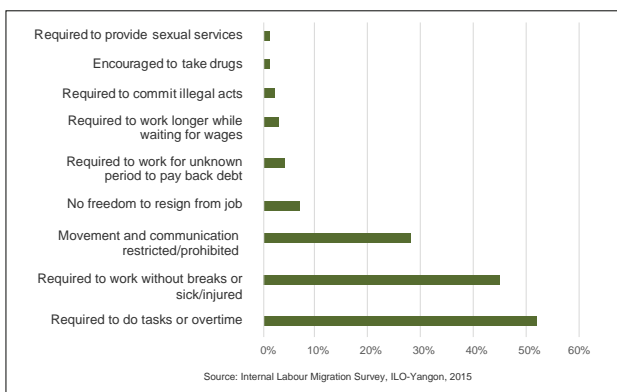
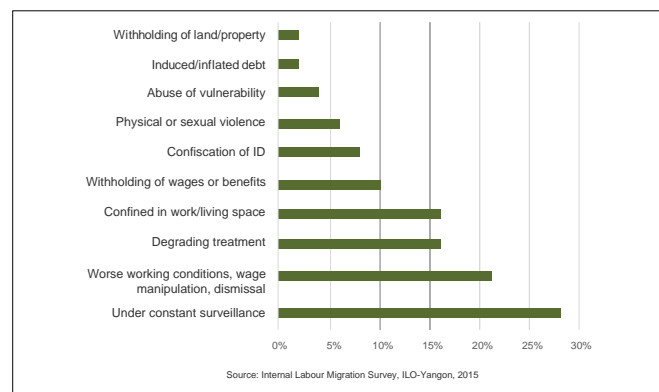


Figure D. Indicators of coercive working conditions (n=7,295)



Quantifying cases of trafficking and forced labour

Of the 7,295 questionnaires, the survey identified that 1,908 respondents (26 per cent) were in a situation of forced labour and 1,007 respondents (14 per cent) were in a situation of trafficking for forced labour. According to the analysis framework, all of the 1,007 respondents who were in a situation of trafficking for forced labour were also in a situation of forced labour, while 901 respondents were in a situation of forced labour alone. A total of 5,387 respondents (74 per cent) were not in a situation of forced labour or trafficking for forced labour. There was no difference between the rates of forced labour and trafficking among the male and female respondents.

Characteristics of respondents in situations of trafficking and forced labour

Statistical association and regression analysis were used to identify particular characteristics or behaviours of respondents that showed a strong association or correlation with being in a situation of trafficking for forced labour or forced labour when compared with respondents who did not possess those characteristics or make certain decisions.

Characteristics of respondents associated with high rates of exploitation

- Being a child, compared with being an adult.
- Being a female child, compared with being a male child.
- Having dropped out of school due to a need to provide money for the family.
- Being single, divorced, separated or widowed, compared with being married or having a co-habitant.
- Not possessing a Citizenship Scrutiny Card (also known as National Registration Card).
- Originating in a household that earns less than MMK1 million (\$787) per year.
- Originating in a household with fewer than four individuals earning money.
- Originating in a household with five or more members.

Situations, behaviours and decisions associated with high rates of exploitation

- Migrating across a state/region, compared with moving within a state/region.
- Migrating due to problems in the family or community (such as death of a breadwinner, domestic violence or other physical violence, armed conflict or land confiscation), compared with respondents who migrated for economic reasons.
- Using a *pwe sar* for job placement, compared with recruitment assistance from family, friends or acquaintances.
- Paying a recruitment fee.
- Using a *pwe sar* to arrange the travel from origin to destination.

Working and living arrangements associated with high rates of exploitation

- Working as a domestic worker, in fishing, in mining, in wholesale/retail trade, in food/beverage service, compared with workers in the other eight industries.
- Migrating to Ayeyarwady, Kayin or Sagaing states/regions (due to the level of exploitation in particular industries in those areas), compared with migrating to other areas.
- Having a written contract (due to misuse of contracts by employers), compared with having a verbal agreement with an employer or with a third-party individual.
- Earning less than MMK50,000 (\$40) per month.
- Working ten or more hours per day, compared with working fewer hours per day.
- Working seven days per week, compared with working fewer days per week.
- Being in debt to one's employer.
- Living in employer-provided housing.

Recommended areas for future work

Based on the realities and revelations that emerged through the survey, the final chapter of the report provides detailed recommendations for future work. The recommendations are grouped into seven categories, all of which aim to foster collaboration among various actors towards preventing trafficking for forced labour among internal labour migrants in Myanmar.

1. **Develop and promote safe internal recruitment mechanisms** by assessing why official job placement channels are not commonly used and increasing public awareness of their services; promoting the legal private employment agencies and individual recruiters available to internal migrants; and promoting safe recruitment and migration practices, including specific strategies to avoid abuse and exploitation.
2. **Target deceptive and coercive recruitment practices** through awareness-raising among workers, employers, labour authorities and criminal justice practitioners on common forms of deception and coercion used by recruiters that are illegal under Myanmar's Anti-Trafficking in Persons Law, along with investigation and prosecution of recruiters who intentionally deceive or coerce people into taking jobs.
3. **Improve the nature of employment agreements for workers and employers** by increasing the monitoring of employers to ensure they provide workers with contracts, specifically those that contain all necessary provisions by law, and initiating awareness-raising campaigns among the general public that emphasize the ways in which a contract should benefit workers and protect their rights.
4. **Target exploitive working conditions amounting to forced labour** through awareness-raising among workers, employers, labour authorities and criminal justice practitioners on the commonplace practices in workplaces that amount to forced labour; proper enforcement of labour laws; inspection of workplaces for indications of forced labour; and prosecution of private sector actors under national law which prohibits forced labour.
5. **Address specific problems prevalent among male, female and child respondents and in particular industries** through in-depth quantitative and qualitative research on working conditions; increased labour inspection activities in particular industries or in certain geographic areas where exploitation is prevalent; trafficking prevention activities aimed at vulnerable segments of the population.
6. **Ensure adequate housing for migrant workers** by setting up a national housing body to study and assess the needs of internal labour migrants; ensure that employers respect the rights and freedoms of workers living in employer-provided housing; ensure adequate housing arrangements in employer-provided housing through inspection by relevant authorities; and encourage employers to provide housing to workers through public or private agencies.
7. **Build relationships between civil society, government authorities and workers to discuss problems and report violations as they occur** by improving information sharing and communication (between workers/migrants and labour inspectors and administrations, police and anti-trafficking authorities) and promoting the availability of efficient complaints mechanisms and referral services.

Chapter 1: Introduction

“Human trafficking for labour exploitation” refers to situations in which persons are coerced or deceived into work through the use of violence or intimidation or by more subtle tactics that seriously affect their financial situation, legal status or social standing. In the context of labour migration, human trafficking often begins during the recruitment stage, both for transnational and internal labour migrants.¹ Labour migrants set out with an intention to find better jobs than those available in their origin area but can be manipulated along the way by recruiters, transporters, employers and other individuals who aim to profit by placing the migrant in exploitative working conditions. Labour exploitation, including forced labour, may be the end result of a human trafficking situation, but it is also possible for it to occur in workplaces independent of human trafficking.²

Internal labour migration in Myanmar has been steadily increasing since the 1990s,³ with large numbers of people migrating each year for work.⁴ This movement of people is likely to proliferate alongside the ongoing rapid economic growth, fuelled in part by labour-intensive industries.⁵ Despite these trends, there is an absence of quantitative and qualitative data on the recruitment and migration arrangements of internal migrants as well as on their working and living conditions. Internal labour migration in Myanmar is also occurring within a context that may be conducive to human trafficking and labour exploitation. Specifically, rapid economic growth in urban areas and stagnant economies in rural areas, land tenure conflicts, reliance on informal recruitment mechanisms and weak enforcement of labour laws all provide an environment within which exploitation of migrants and workers could take place.

Forced labour and human trafficking have long been recognized by the International Labour Organization (ILO) and its constituents worldwide as significant issues. Since 2002, the ILO has been collaborating with the Government of Myanmar to end forced labour. The focus of such efforts has been to eliminate the illegal practice of forced labour exacted by government officials on the civilian population for public works. Forced labour in commercial industries exacted by private sector actors is a more recently recognized issue that has yet to be addressed.⁶

International and government attention on the human trafficking phenomenon has largely centred on the transnational dimension. Myanmar migrants are trafficked mainly to wealthier South-East Asian nations and, to a lesser extent, to countries in East Asia, South Asia, the Middle East and other counties in North America and Western Europe.⁷ Cases of human trafficking to Thailand are best documented, with Myanmar migrants forced to work in agriculture, fishing, food processing, domestic work and manufacturing, among other industries.⁸ Additionally, women and girls in conflict-affected parts of Kachin State and northern Shan State are trafficked into

1 For the purpose of this report, “internal” labour migration includes migration occurring within the international borders of a nation.

2 Legal definitions of human trafficking, forced labour and other terms are provided in Chapter 3.

3 A government study found that 14 out of 100 people moved in 2007, compared with 10 out of 100 people in 1991; see Ministry of Immigration and Population: *Levels, trends and patterns of internal migration in Myanmar* (Nay Pyi Taw, Government of Myanmar, 2013) pp. v and 15.

4 There is no conclusive data on the number of people who migrate for work within Myanmar each year. As described in section 2.1 of this report, in fiscal year 2013–14, 417,589 people were placed in jobs via the official system regulated by the Department of Labour, but the data does not specify if the persons were migrants. The 2014 census findings listed the internal migrant population at 9,391,126, but it did not indicate when the persons migrated; based on this available data, it is not possible to determine how many people migrate each year.

5 At the macro level, the economy grew at a rate of 5.3 per cent in 2010–11 to 8.3 per cent in 2013–14; see World Bank Group: *Myanmar: Ending poverty and boosting shared prosperity in a time of transition* (Washington, D.C., 2014) p. 13.

6 See section 2.3 on forced labour for additional information.

7 See US Department of State: *Trafficking in persons report* (Washington, D.C., 2014) pp. 114–117, www.state.gov/documents/organization/226845.pdf.

8 See ILO: *The Mekong challenge – Underpaid, overworked and overlooked: The realities of young migrant workers in Thailand* (Bangkok, 2006), www.ilo.org/asia/whatwedo/publications/WCMS_BK_PB_67_EN/lang-en/index.htm; see also Human Rights Watch: *From the tiger to the crocodile: Abuse of migrant workers in Thailand*, 2010, pp. 52–58, www.hrw.org/sites/default/files/reports/thailand0210webwcover_0.pdf.

forced prostitution and forced marriage in Yunnan Province or areas further inside China.⁹

Of particular note in 2015, hundreds of migrants from Myanmar and other South-East Asian countries were found to be in situations of trafficking and forced labour on fishing boats in Indonesia. The Indonesian and Myanmar governments are facilitating the repatriation of Myanmar migrants from Indonesia. In September 2015, 176 male fishermen were repatriated to Myanmar.¹⁰ Also in 2015, hundreds of bodies of migrants were found in mass graves in both Thailand and Malaysia, along the shared border, prompting further efforts to eliminate transnational human trafficking by both governments.¹¹

Government and international responses have primarily focused on combatting transnational trafficking, including labour exploitation. Meanwhile, the ILO-Yangon Forced Labour Complaints Mechanism has revealed cases of internal trafficking for forced labour taking place in the private sector,¹² but policies to address this issue remain in a nascent stage.

Since 2011, Myanmar has engaged in a political, economic and legal reform process and is collaborating with the international community in a broader and more active manner than it had in previous decades. The Government's recognition of human trafficking occurring within its borders is apparent in the recent efforts of the Central Body for Suppression of Trafficking in Persons (CBTIP) and the Anti-Trafficking in Persons Division (ATIPD) to investigate and prosecute cases of internal trafficking.¹³ The CBTIP 2014 Annual Work Plan specifies a need to "conduct regular data analysis in order to identify new hot spots, trafficking routes and trends of internal and cross-border trafficking".¹⁴

Acknowledging these emerging opportunities and related research needs, the ILO-Yangon initiated research on patterns in internal labour migration. The research was funded by the United States Agency for International Development (USAID) and was conducted in consultation with the CBTIP and the ATIPD. The research was designed and carried out through partnerships with civil society organizations across the country.

The bulk of information used in this report was collected in April 2015 from 7,295 internal labour migrants, through a survey designed specifically to determine patterns in internal labour migration, human trafficking and forced labour according to national and international law. Respondents were interviewed in 111 townships regarding jobs spanning 273 townships across all of the 14 states/regions in Myanmar. Respondents were chosen from a range of industries, including agriculture, manufacturing, construction, mining, fishing, hotels, food/beverage services and domestic services, among others. The findings were supplemented with qualitative input from individual interviews and group discussions with internal labour migrants, government authorities and representatives of UN agencies, international non-governmental organizations and local organizations working on migration, trafficking and labour issues.

These findings and related recommendations provide a basis for conceiving evidence-based actions that could be managed by a range of community, government, private and international actors to prevent exploitive practices

9 See Kachin Women's Association Thailand: *Pushed to the brink: Conflict and human trafficking on the Kachin-China border*, 2013, www.kachinwomen.com/kachinwomen/images/stories/publication/pushed_to_the_brink.pdf. See also Burmese Women's Union: *Caught between two hells: Situation of women migrants in Thailand and China*, 2007, www.womenofburma.org/Report/Caught%20between%20two%20hells.pdf.

10 Information provided by the International Organization for Migration Myanmar to the ILO in email correspondence, 18 Sep. 2015.

11 "Malaysia migrant mass graves: Police reveal 139 sites, some with multiple corpses", in *The Guardian*, 25 May 2015, www.theguardian.com/world/2015/may/25/malaysia-migrant-mass-graves-police-reveal-139-sites-some-with-multiple-corpses.

12 Through its Forced Labour Complaints Mechanism, the ILO received 15 cases of internal trafficking for forced labour occurring between 2013 and 2014, which serve only as an indication of larger trends.

13 The Central Body for the Suppression of Trafficking in Persons and the Anti-Trafficking in Persons Division of the Myanmar Police Force operate under the Ministry of Home Affairs. See section 2.4 for more information on the investigation and prosecution of recent trafficking cases.

14 See Activity 1.30 in the Myanmar Second Five-Year National Plan of Action to Combat Human Trafficking, Annual Work Plan for 2014, Central Body for Suppression of Trafficking in Persons, Ministry of Home Affairs, p. 9.

from occurring during internal recruitment, migration and employment that can lead to forced labour and human trafficking. It is particularly important at this time to build a better understanding of patterns in internal labour migration and the scope and magnitude of labour exploitation because of both increasing business activity and investment in Myanmar and the growing willingness from the Myanmar Government to address the issues.

Chapter 2: Relevant laws and policies

This chapter provides an overview of the laws and policies instituted by the Myanmar Government related to human trafficking and labour exploitation in the context of internal migration. The chapter is separated into four sections on (i) internal migration management; (ii) labour legislation; (iii) forced labour; and (iv) human trafficking.

2.1 Internal migration management

The Ministry of Labour, Employment and Social Security (MOLES), through its Labour Exchange Offices (LEO), is mandated with managing internal labour migration. According to this system, all enterprises in the public and private sectors are required to inform a LEO when there are vacancies at their enterprises. At the same time, the LEOs provide labour cards to potential workers and maintain information on their education level and employment history in order to place them in an appropriate vacancy. The LEOs also license employment agencies so that they carry out a similar role in job placement, but in coordination with the LEO officers. In fiscal year 2013–14, a total of 417,589 workers were placed into jobs via this system.¹⁵ The 2014 census listed the internal migrant population at 9,391,126.¹⁶ Because there is no data on the number of people who migrate internally each year, it was not possible to determine the number of migrants recruited into jobs outside of the official system.

Since the development of this system prior to the new Government taking office in 2011, employers and workers have openly expressed their dissatisfaction to its slow and unrealistic approach. A common grievance is that it only permits workers to obtain labour cards in their place of origin (registered residence). For workers who do not have labour cards but are in need of a job, it is not always possible for them to return to their place of origin, while employers are not able or willing to wait. As a result of this and other issues, the official system has been incapable of coping with the demand for workers throughout the country and has thus been underused.

2.2 Labour legislation

In a May 2015 presentation in Yangon to national and international parties interested in labour law reform in Myanmar, a MOLES official referenced some 20 pieces of labour legislation in effect at that time. Of them, five were enacted sometime between 1923 and 1948 (during the British colonial era), five between 1951 and 1959, one in 1999 and seven between 2011 and 2014.¹⁷ In addition to these laws dedicated specifically to labour issues, there are several laws that have some relevance, such as the Anti-Trafficking in Persons Law (2005) and the Ward or Village Tract Administration Law (2012). According to this body of laws, Myanmar workers should be afforded a wide range of rights, benefits and protections.

Among them are requirements for employers to sign contracts with their employees within 30 days from the commencement of work that, if enforced consistently, would have a crucial role in preventing labour exploitation or human trafficking related to contract deception or manipulation.¹⁸ Hiring workers younger than 14 is prohibited, and there are special requirements for hiring employees aged 14 to 18.¹⁹ There are also special requirements for hiring workers in foreign investment areas and special economic zones,²⁰ which are common destination areas for internal labour migrants.

¹⁵ Information obtained through correspondence with Department of Labour staff, 18 June 2015.

¹⁶ Ministry of Immigration and Population: *The 2014 Myanmar Population and Housing Census*, Volume 2, May 2015, p. 127.

¹⁷ Remarks by U Myo Aung, MOLES Permanent Secretary, during the Current Legislative Efforts and Medium-Term Strategy Stakeholders Forum on Labour Law Reform and Institutional Capacity Building, Yangon, 18 May 2015.

¹⁸ See the Employment and Skills Development Law (2013), Section 5.

¹⁹ See the Factories Act (1951), Sections 68, 75–78 and 81; The Child Law (1993), Section 24.

²⁰ See the Foreign Investment Law (2012), Section 24 and Special Economic Zone Law, Sections 71–78.

Although a minimum wage law was adopted in 2013,²¹ a national minimum wage was only recently set, at 3,600 kyat (MMK) (US \$2.80) for an eight-hour work day, effective 1 September 2015. In principle, workers are to be paid their wages in cash by the seventh working day of every month, and employers are to keep records of their payroll activity for inspection purposes.²²

Hours of work are regulated by the Factories Act (1951) and the Shops and Establishments Act (1951) but do not cover all types of workers.²³ Under both laws, employers cannot require employees to work more than eight hours in a day. Additionally, a person cannot work longer than five hours at a time before having a rest period of 30 minutes at a minimum, which is unpaid. The total number of hours in a workday, including unpaid rest intervals, may not exceed 10 hours. Workers should be given one paid rest day per week, should not work more than 44 hours in total per week²⁴ and should not work more than 10 consecutive days.²⁵

Myanmar labour legislation also provides requirements for public holidays, annual leave²⁶ and occupational health and safety protection, including compensation for workplace injuries.²⁷ Workers should be registered with the Social Security Board within 30 days of beginning employment to access their medical, maternity, disability and other benefits.²⁸

Individual rights disputes (if a worker is not receiving a particular right as set out in law, an employment contract or a collective bargaining agreement) can be taken to a Workplace Coordinating Committee²⁹ (for workplaces of more than 30 workers) or to management at the workplace (in workplaces with fewer than 30 workers). If unable to resolve the dispute at the level of the enterprise, a worker can take the dispute to a nearby Township Labour Office for conciliation under the auspices of the Township Conciliation Body. If the dispute cannot be solved through conciliation, the worker may pursue action in court.³⁰

In addition to conciliation and adjudication, inspectors are mandated with monitoring workplaces. Occupational safety and health as well as wage and compensation standards should be monitored by the Factories General Labour Laws Inspection Department (FGLLID) in certain industries.³¹ The FGLLID is currently concentrated on building up the capacity of labour inspectors to effectively monitor workplaces.³²

There is formal recognition by the Government that major gaps and inconsistencies exist within the legal framework and, in response, is undertaking a reform process to improve individual laws as well as develop a comprehensive Labour Code.³³

21 See the Minimum Wages Act (2013).

22 See the Minimum Wages and Minimum Wage Rules (2013).

23 In the context of this survey, these laws regulate the working hours of manufacturing, wholesale/retail trade, transport, food/beverage service and hotel industry workers; but construction, agriculture, domestic services, fishing, mining and other workers currently remain outside the regulation of working hours.

24 Or should not work more than 48 hours for continuous technical work that does not allow for a break.

25 See the Factories Act (1951), Sections 59–66 and Shops and Establishments Act (1951), Section 6.

26 See the Leave and Holidays Act (1951).

27 See the Factories Act (1951) and Social Security Law (2012).

28 See the Social Security Law (2012), Sections 22–59.

29 A body, established under the Settlement of Labour Dispute Law (2012), and aimed at promoting labour-management relations and dispute settlement in enterprises with more than 30 workers.

30 See the Settlement of Labour Dispute Law (2012), Article 21. At present, few of these individual rights disputes end up in court. Collective rights disputes go through a different process of negotiation, conciliation and arbitration; see the Settlement of Labour Dispute Law (2012), Articles 24–33.

31 Manufacturing; transporting oil and water; energy; publishing/printing; ship-building services; government-controlled factories; see the Factories Act (1951) and Minimum Wages and Minimum Wage Rules (2013).

32 The MOLES plans to expand the number of labour inspectors to 172 by September 2015 and to 374 in the future. Remarks by U Myo Aung, MOLES Permanent Secretary, during the Current Legislative Efforts and Medium-Term Strategy Stakeholders Forum on Labour Law Reform and Institutional Capacity Building, Yangon, 18 May 2015.

33 Most recently, such gaps and a plan for comprehensive reform were outlined in detail by MOLES officials during an ILO labour law forum, Current Legislative Efforts and Medium-term Strategy Stakeholders Forum on Labour Law Reform and Institutional Capacity Building, Yangon, 18 May 2015.

2.3 Forced labour

For decades, the discourse on forced labour in Myanmar focused on abuses committed by the military and civilian officials, as documented by the ILO and the Government in their respective reports to the ILO Governing Body at the International Labour Conference for consecutive years since the late 1990s.³⁴ The practice of exacting forced labour from civilians was underpinned by British colonial laws, the Towns Act (1907) and Villages Act (1908).³⁵

In 2002, the Government signed an agreement with the ILO for assistance in the elimination of forced labour, with an ILO liaison officer appointed to engage in this role. In 2007, the Government and the ILO reached an agreement to implement the Forced Labour Complaints Mechanism,³⁶ which gives residents of Myanmar the right to lodge complaints on cases of forced labour, including underage recruitment, forced recruitment, trafficking for forced labour and bonded labour.³⁷ In May 2012, the ILO and the Government signed a memorandum of understanding to adopt an overall framework and principles to end forced labour; both parties subsequently entered into an agreement to implement a strategic action plan to end the practice of forced labour in Myanmar by the end of 2015.³⁸

After almost a decade of requests from the ILO Committee of Experts, the laws permitting the use of forced labour were repealed and replaced with the Ward or Village Tract Administration Law (2012), which was subsequently amended to include a provision that prohibits forced labour and criminalizes violations of the law.³⁹ Due to a decrease in government-imposed forced labour, the International Labour Conference voted to remove its remaining restrictions on Myanmar in June 2013.⁴⁰

Forced labour is still reported nonetheless. On average during 2014, 33 complaints of forced labour within the mandate of the Complaints Mechanism were received monthly.⁴¹ This and other issues prompted the ILO Governing Body to call for a submission from the Myanmar Government to its November 2015 meeting on its plan to end forced labour after 2015.

2.4 Human trafficking

In 2004, Myanmar became a member of the United Nations Convention against Transnational Organized Crime and its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (referred to as the UN Trafficking Protocol).⁴² The Government promulgated an Anti-Trafficking in Persons Law in 2005 that is consistent with the UN Trafficking Protocol and, in 2006, established the Central Body for the Suppression of Trafficking in Persons (CBTIP), under the Ministry of Home Affairs. The CBTIP has since

34 Select session to read the Governing Body report: www.ilo.org/gb/GBSessions/GB325/lang--en/index.htm.

35 Particular articles of the former Village Act (1908), read together with articles in the Towns Act (1907), provided for the exaction of labour and services, including portage service, under the menace of a penalty from residents who had not offered themselves voluntarily; see www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:2144404.

36 To read the Supplementary Understanding between the Government of the Union of Myanmar and the International Labour Office (2007), see www.ilo.org/yanmar/info/meetingdocs/WCMS_106131/lang--en/index.htm.

37 Since 2007, the ILO Complaints Mechanism has registered more than 2,000 complaints related to allegations of different forms of forced labour.

38 For the full text of the 2012 Understanding, see www.networkmyanmar.org/images/stories/PDF11/mou-with-ilo.pdf.

39 The original law was adopted on 24 February 2012 and the amendment on 28 March 2012 as provision 27.A, to be inserted in Section 27 of the original law. Forced labour is thus a criminal offence under both the amendment to the Ward or Village Tract Administration Law and the Penal Code, Section 374; violations can result in imprisonment for up to one year, a fine or both.

40 See "ILO lifts remaining restrictions on Myanmar," June 2013, www.ilo.org/ilc/ILCSessions/102/media-centre/news/WCMS_216355/lang--en/index.htm.

41 See the ILO Governing Body Session No. 323 report: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348466.pdf.

42 For the full text of the UN Trafficking Protocol, see www.unodc.org/unodc/treaties/CTOC/.

initiated two Five-Year National Plans of Action to Combat Human Trafficking (2007–11 and 2012–16). In 2013, the Government established a special division within the Myanmar Police Force, the Anti-Trafficking in Persons Division (ATIPD), composed of 340 personnel and Anti-Trafficking Task Forces (ATTF) in select areas throughout the 14 states/regions.⁴³ These units work in partnership with the regular police to investigate reports of human trafficking.

In 2014, the Government reported prosecuting 124 human trafficking cases involving 367 suspects (152 males and 215 females) and 309 trafficked persons (121 males and 188 females). The majority of the cases were for forced marriage (72 cases) but also included labour exploitation (29 cases), sexual exploitation (22 cases) and one child trafficking case. Of the 124 cases, 77 of them related to the trafficking of people into China, 26 internally within Myanmar and 18 into Thailand.⁴⁴

Box 1

Snapshot – Myanmar Anti-Trafficking in Persons Law (2005)

- Forms the **Central Body for Suppression of Trafficking in Persons**, which is responsible for making legislation and policy suggestions to the Government; coordinating research; coordinating the monitoring and evaluation of all trafficking activities in the country; coordinating the relief, resettlement and reintegration of trafficked persons; and collaborating with international, regional and local actors to address human trafficking (Articles 5–7).
- Contains a **trafficking definition** (Article 3a) that is consistent with the UN Trafficking Protocol.
- Provides **protections** for trafficked persons, especially women and children, including legal immunity from being charged with a crime committed as a direct consequence of being trafficked; special guidelines for treatment in court; and privacy from the media (Articles 11–13).
- Instructs on the arrangements for **the return, repatriation and reintegration** of trafficked persons (Article 19), with special conditions for women and children in regards to sensitive identification, repatriation and return to families (Article 16) and the establishment of a fund to cover such expenses (Articles 22–23).
- Sets out **penalties** for the crime of trafficking in persons, ranging from imprisonment of five years to life, with more stringent penalties for the trafficking of women and children and for trafficking in persons as part of a transnational criminal network (Articles 24–33).

43 ATTF offices were established in areas identified as trafficking hot spots, based on data maintained by the ATIPD. For a map with the locations of the ATTF offices, see The Central Body for the Suppression of Trafficking in Persons: *Myanmar Five-Year National Plan of Action to Combat Human Trafficking: 2013 annual progress report* (Nay Pyi Taw, Ministry of Home Affairs, 2013), p. 3.

44 The Central Body for the Suppression of Trafficking in Persons: *Myanmar Five-Year National Plan of Action to Combat Human Trafficking: 2013 annual progress report* (Nay Pyi Taw, Ministry of Home Affairs, 2013), pp. 22–23.

Chapter 3: Conceptual and analysis framework

The Myanmar study on internal migration was based on ILO guidelines that reflect the experience gained and lessons learned between 2008 and 2010 through quantitative surveys on forced labour and human trafficking undertaken at the country level in many parts of the world. These guidelines, presented in *Hard to see, harder to count: Survey guidelines to estimate the forced labour of adults and children*, were developed by the ILO Special Action Programme to Combat Forced Labour in Geneva to provide comprehensive information and tools that enable practitioners to undertake national surveys on forced labour and trafficking of adults and children.⁴⁵

3.1 Legal definitions

Migrant worker

Migrant worker is defined in the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) as “a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.”⁴⁶ Because this definition applies to international migration, a definition of internal migrant was developed for the purpose of this study and is presented in the next section on operational definitions.

Child

According to the Anti-Trafficking in Persons Law and the Child Law, a child has not yet reached the age of 16, a youth is 16 or 17 years of age, and an adult is 18 years or older.⁴⁷ All provisions in the Anti-Trafficking in Persons Law that relate to the category of a child also relate to the category of a youth. Accordingly, for the purpose of this study, cases of children and youth in situations of forced labour or trafficking were analysed together, which is consistent with international standards that make no distinction between the two.

Human trafficking and forced labour are defined within distinct international treaties and pieces of national legislation in Myanmar. At the international level, human trafficking is defined within the UN Trafficking Protocol, and forced labour is defined in the ILO Forced Labour Convention, 1930 (No. 29).⁴⁸ In Myanmar law, human trafficking is defined within the Anti-Trafficking in Persons Law and forced labour is defined in a 2012 amendment to the Ward or Village Tract Administration Law.⁴⁹ This study used the Myanmar national legal framework for human trafficking and forced labour, which is largely consistent with international law.⁵⁰

Forced labour

According to the 2012 amendment to the Ward or Village Tract Administration Law, forced labour is “...to exact or forcibly take another person’s labour or service, which was not offered by their own will, under threat of punishment

45 See ILO: *Hard to see, harder to count*: June 2012, www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang-en/index.htm.

46 See Article 11(1), <http://courses.ilo.org/A906119/documentation/ilo-conventions-and-others/ILO%20C143%20-%20Migrant%20Workers%20Supplementary%20Provisions.pdf>. Convention No. 143 is a supplementary provision to the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

47 See the Anti-Trafficking in Persons Law (2005), Article 3(j)(k); see also the Child Law (1993), Article 2(a)(b).

48 For the full text of the UN Trafficking Protocol (2000), see www.osce.org/odihr/19223?download=true. For the full text of ILO Convention No. 29 (1930), see www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

49 For the full text of the Anti-Trafficking in Persons Law (2005), see www.burmalibrary.org/docs15/2005-SPDC_Law2005-05-Anti_Trafficking_in_Persons_Law-en.pdf. For the full text of the Ward or Village Tract Administration Law (2012), see www.altsean.org/Docs/Laws/Ward%20or%20Village-tract%20Administration%20Law.pdf. The 2012 amendment is not available online but is included in this chapter.

50 Minor differences between the international and Myanmar definitions are presented in footnotes throughout the following analysis.

or by affecting their interests...⁵¹ This definition is consistent with ILO Convention No. 29, which states: “Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁵²

Human trafficking

According to both national and international law, a case of trafficking may be established when three elements are present: These are referred to as the “act”, the “means” and the “purpose (exploitation)”.

These are defined in Myanmar’s Anti-Trafficking in Persons Law, as follows:

The act

*“...the recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation...”*⁵³

The means

*“...threat, use of force or other form of coercion; abduction; fraud; deception; abuse of power or of position taking advantage of the vulnerability of a person; or giving or receiving of money or benefit to obtain the consent of the person having control over another person...”*⁵⁴

The purpose (exploitation)

*“...receipt or agreement for receipt of money or benefit for the prostitution of one person by another, other forms of sexual exploitation, forced labour, forced service, slavery, servitude, debt bondage or the removal and sale of organs from the body.”*⁵⁵

3.2 Operational definitions

To operationalize the legal definitions, this section explains how they were broken down into elements that can be measured, specifically for the purpose of identifying cases of trafficking for forced labour. As a basis for this, an operational definition of forced labour and associated framework from *Hard to see, harder to count* were used.⁵⁶ The framework was reworked specifically to reflect the Myanmar context and to ensure that cases of forced labour that also meet the requirements of human trafficking according to Myanmar law can be determined. This was possible because key concepts in the trafficking and forced labour frameworks overlap.

It is important to note that the operational definitions on forced labour and human trafficking were developed for this study; they do not reflect a new ILO position on how forced labour and trafficking relate to each other. Additionally, the analysis framework is not equivalent to a criminal justice process, and therefore it is not possible to say conclusively that an individual respondent interviewed for this survey was trafficked or in forced labour according to the law. As explained in the ILO guidelines, “In a court of justice, the prosecutor in a forced labour case can cross-examine the alleged victim(s) and perpetrator(s) in depth and with flexibility, to assess the situation,

51 The original law was adopted on 24 February 2012 and the amendment on 28 March 2012 as provision 27.A, to be inserted in section 27 of the original law.

52 These laws should apply to all perpetrators of forced labour, including military and civilian officials, as well as to actors in as well as to private sector actors. However, no actor in the private sector has ever been tried under these laws.

53 See the Anti-Trafficking in Persons Law (2005), Article 3(a). Note: The UN Trafficking Protocol “acts” are slightly narrower, including only “recruitment, transport, transfer, harbouring and receipt of persons”.

54 See the Anti-Trafficking in Persons Law (2005), Article 3(a) 1–6. Note: The “means” are the same in meaning to those in the UN Trafficking Protocol. However, the UN Trafficking Protocol states that the “means” are not necessary to establish a case of trafficking for children, while the Myanmar law does not include this application of the law.

55 See the Anti-Trafficking in Persons Law (2005), Article 3(a), Explanation (1). Note: The UN Trafficking Protocol forms of exploitation are explained using different terms: “prostitution of others, sexual exploitation, forced labour, slavery or similar practices, removal of organs, other types of exploitation”. At the international level, servitude and debt bondage are considered forms of forced labour, while the Myanmar Government includes them as distinct forms of exploitation.

56 See ILO: *Hard to see, harder to count*, June 2012, pp. 11–20, www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang-en/index.htm.

reveal the true conditions of recruitment and employment and present evidence to prove that the worker was coerced or deceived. In a statistical survey, by contrast, none of this is possible; the questions are predetermined and are the same for all respondents. Survey questions can therefore attempt to capture sufficient information to allow an assessment of whether or not there are some strong indications that an individual has been subject to involuntariness and coercion in his or her working situation or any forms of labour exploitation.”⁵⁷

Internal labour migrant

Because there was no legal definition in Myanmar for an internal labour migrant, one was developed for this study. Thus, an internal labour migrant is a person who migrates or who has migrated from one place to another inside the country with a view to being employed.⁵⁸ According to the international and national legal frameworks, human trafficking may occur across international borders or in a domestic context; it is not necessary for a person to have migrated or moved any distance in order to establish a case of trafficking. However, this study seeks to understand forced labour and trafficking in the context of internal labour migration, and thus all the cases looked at involved individuals who had moved to some extent.⁵⁹

Child

A person who has not reached their 18th birthday.

Forced labour

According to the *Hard to see, harder to count* standards, two conditions are necessary to establish an instance of forced labour. There must be a clear indication that the worker has not offered themselves voluntarily (concept of ‘involuntariness’) and the use of some type of penalty or threat of penalty by an employer or a third party applied to the worker to make them take a job or remain in a job (concept of ‘coercion’).⁶⁰ Both conditions must be present to authoritatively define a particular case as forced labour.

The *Hard to see, harder to count* operational definition includes three main dimensions of forced labour that pertain to different stages of the period of work. Conditions of ‘involuntariness’ and ‘coercion’ may be present at any of these stages. These are:

- **Unfree recruitment**, which covers both forced and deceptive recruitment. Forced recruitment refers to instances in which constraints are applied to force a person to work for a particular employer against their will. These constraints must be applied by a third party – not simply by difficult economic circumstances.⁶¹ Deceptive recruitment refers to when a person is recruited using false promises or assurances about the work. This represents involuntariness, insofar as had the worker been aware of the true conditions of the work, they would not have accepted the job.
- **Work and life under duress**, which covers adverse working or living conditions imposed on a worker. It refers to an excessive volume of work or duties that cannot reasonably be expected of a person. It also refers to situations in which degrading living conditions or limitations on freedom are imposed on a worker by the employer.

57 *ibid.*, p. 21.

58 This definition was adapted from the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which applies to international migrants.

59 Internal labour migrants may have migrated across a state/region (the largest administrative unit) or from one township to another township within a state/region; from one village tract (rural) or ward (urban) within a township; from one village to another village within a village tract.

60 Forms of coercion include threats and violence; restriction of freedom of movement; debt bondage or debt manipulation; withholding of wages; retention of passport or identity documents; and abuse of vulnerability (such as abuse of illegal status, harming standing in the community). These forms of coercion may be applied directly to the worker or to members of their family. They may take place during the worker’s recruitment process to force them to accept the job; once the person is working, to force them to do tasks that were not part of what was agreed at the time of recruitment; or to prevent them from leaving the job. See ILO: *Hard to see, harder to count*, June 2012, pp. 14–16, www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm.

61 Poverty and the related need of a family for an income are not recognized as indicative of force.

- **Impossibility of leaving an employer**, which covers cases in which leaving would entail a penalty or risk to the worker, such as the deliberate retention of wages.⁶²

In consultation with the ATIPD, civil society organizations and technical experts on trafficking and forced labour, a detailed set of Myanmar-specific indicators of forced labour and trafficking was developed, which is displayed in Table 1.

Table 1 is divided into three horizontal sections for the three dimensions of forced labour: ‘unfree recruitment’, ‘work and life under duress’ and ‘impossibility of leaving an employer’. The left column covers indicators of ‘involuntariness’, and the right column covers indicators of ‘coercion’ for all three dimensions. However, ‘work and life under duress’ and the ‘impossibility of leaving an employer’ share a set of ‘coercion’ indicators, as both apply to working and living conditions (as opposed to recruitment).

The indicators have been ranked as medium or strong. For the conditions of ‘involuntariness’ or of ‘coercion’ to be met, at least one strong indicator or two medium indicators must be positive. This means that one medium indicator alone is not sufficient for the conditions of ‘involuntariness’ or of ‘coercion’ to have been met, although it is indicative of exploitive recruitment, working or living conditions.

Furthermore, the conditions of ‘involuntariness’ or of ‘coercion’ alone are not sufficient to amount to forced labour, but this would also be indicative of exploitive recruitment or working conditions. As demonstrated in Box 2, if the conditions for ‘involuntariness’ and for ‘coercion’ can be met in any of the three dimensions, a case of forced labour can be determined to have taken place.

Box 2

Identification of cases of forced labour of adults and children

Any respondent for whom the dimension of:

1. **Unfree recruitment** (involuntariness + coercion)
- OR
2. **Work and life under duress** (involuntariness + coercion)
- OR
3. **Impossibility of leaving an employer** (involuntariness + coercion)

is positive, can be considered in a situation of forced labour.

For children:

- If a child is working together with a parent or guardian who is in a situation of forced labour according to the above identification method, then the child is automatically in a situation of forced labour.
- If a child is not working together with a parent or guardian, the same identification method for adults is used to assess if a child is in a situation of forced labour.

62 For a more detailed explanation, see section 1.2 on operational definitions in ILO: *Hard to see, harder to count*, June 2012, pp. 13–15, www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm.

Table 1. Indicators of human trafficking and forced labour relevant in the Myanmar context

Indicators of unfree recruitment	
Involuntariness (A)	Coercion (B)
<p>Strong indicators</p> <ul style="list-style-type: none"> ■ Abduction ■ “Sale” of worker ■ Confined or locked up during migration ■ Deceived about the nature of the work (industry, occupation, employer, location) <p>Medium indicators</p> <ul style="list-style-type: none"> ■ Deceived about the conditions of work (hours, wages, housing or living conditions) ■ Inability to understand the contract (due to lack of time, terms, language, reading ability) ■ Recruitment decision-making by person other than migrant (without consent) 	<p>Strong indicators</p> <ul style="list-style-type: none"> ■ Physical or sexual violence or threats ■ Withholding of identification or documents ■ Withholding of assets, land, property <p>Medium indicators</p> <ul style="list-style-type: none"> ■ Pre-existing debt to the recruiter ■ Inflated indebtedness during migration ■ Degrading treatment (deprivation of food, water or sleep; inappropriate touching; insults to physical appearance/intelligence) ■ Under constant surveillance during migration ■ Abuse of vulnerability (report to authorities, harm to religious or community standing)
Indicators of work and life under duress	
Involuntariness (C)	Coercion (D&F)*
<p>Strong indicators</p> <ul style="list-style-type: none"> ■ Required overtime or other work (outside of employment agreement) ■ Required to provide sexual services to employer or associates ■ Freedom of movement and communication prohibited <p>Medium indicators</p> <ul style="list-style-type: none"> ■ Required to commit illegal acts ■ Encouraged to take mentally or physical altering substances ■ Required to work without breaks or while sick or injured ■ Not permitted to move housing, even in case of serious problem ■ Freedom of movement and communication restricted 	<p>Strong indicators</p> <ul style="list-style-type: none"> ■ Physical or sexual violence or threats ■ Restriction on freedom of movement ■ Withholding of land or property ■ Induced or inflated indebtedness without consent ■ Withholding of identity papers or other documents ■ Abuse of vulnerability (report to authorities, harm to religious or community standing) <p>Medium indicators</p> <ul style="list-style-type: none"> ■ Withholding of wages, assets or benefits ■ Imposition of worse working conditions, financial penalties or dismissal ■ Under constant surveillance at work and/or at home ■ Degrading treatment (isolation; deprivation of food, water or sleep; inappropriate touching; insults to physical appearance or intelligence)
Indicators of impossibility of leaving an employer	
Involuntariness (E)	
<p>Strong indicators</p> <ul style="list-style-type: none"> ■ No freedom to resign from job in accordance with the verbal or written contract ■ Required to stay longer than agreed while waiting for wages ■ Required to work for an indeterminate period of time to repay outstanding debt or wage advance 	

Note: *= The letters correspond with Figure 1 below. The same list of penalties or coercive mechanisms is applied to both “work and life under duress” and “impossibility of leaving an employer”, as both relate to working and living conditions, as opposed to recruitment. They were also grouped together to simplify the survey for analysis purposes.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Human trafficking for forced labour

The same list of indicators can be used to determine a case of trafficking for forced labour in accordance with Myanmar law because the conditions for such cases are covered by the indicators for ‘unfree recruitment’. This is illustrated in Table 2, which breaks down the Government’s definition of trafficking, with the aspects most relevant in the Myanmar context highlighted in bold.⁶³

Table 2. Breakdown of the Myanmar Government’s definition of trafficking

Act +	Means (by which the act is done) +	Purpose +	
<ul style="list-style-type: none"> ■ Recruitment ■ Transportation ■ Transfer ■ Sale ■ Purchase ■ Lending ■ Hiring ■ Harboursing ■ Receipt of persons 	<ul style="list-style-type: none"> ■ Threat or use of force ■ Coercion ■ Abduction ■ Fraud ■ Deception ■ Abuse of power or of a position of vulner ability ■ Giving or receiving of money or benefit to obtain the consent of the person having control over another person 	<ul style="list-style-type: none"> ■ <u>Exploitation:</u> ■ Agreement for receipt of money or benefit for the prostitution of one person by another ■ Forced labour ■ Forced service ■ Slavery ■ Servitude ■ Debt-bondage* ■ Removal and sale of organs from the body 	= Human trafficking

Note: *—The Myanmar Government defines debt bondage as the “pledging by the debtor of his/her personal labour or services or those of a person under his/her control as payment or security for a debt, when the length and nature of service is not clearly defined or when the values of the services as reasonably assessed is not applied toward the liquidation of the debt.” See Anti-Trafficking in Persons Law (2005), Article 3(a). Bold reflects those aspects most relevant in the Myanmar context.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

According to the Myanmar legal definition, to establish a case of trafficking, one element from each of the “acts”, “means” and “purpose” columns must be present. For example, someone could be recruited into a job (act = recruitment) by threatening physical violence should they refuse recruitment (means = threat or use of force) and be placed into a form of work that they did not agree to and for which there are constraints preventing them from leaving (purpose = forced labour).

If a case of forced labour has been determined using the indicators in Table 1, the conditions for the “purpose” (forced labour) in this trafficking definition in Table 2 have already been met in all cases. However, the key to such a case also meeting one or more conditions in both the “act” and “means” columns and thus constitute a case of trafficking for forced labour is in their having been an indicator of ‘unfree recruitment’. The conditions necessary to constitute a case of ‘unfree recruitment’ in Table 1 also meet the conditions of the “act” and “means” of trafficking, in line with Myanmar law.⁶⁴

63 Consultations with various stakeholders were used to select the most prevalent “acts”, “means” and “purpose” in the Myanmar context, and the decision was taken in order to prevent the survey from becoming additionally complex.

64 The “act” condition is met simply by virtue of recruitment into work having taken place. The “means” condition can then be met by one or more strong indicators or two medium indicators of either ‘involuntariness’ or ‘coercion’ at the stage of recruitment, as these all constitute threat or use of force, coercion, abduction, fraud, deception or abuse of power or of a position of vulnerability.

As explained in Box 3, a full case of ‘unfree recruitment’ as determined by the framework in Table 1 constitutes a situation of trafficking for forced labour. A full case of ‘work and life under duress’ or ‘impossibility of leaving an employer’ constitutes a situation of forced labour alone but does not satisfy the “acts” and “means” components necessary to make it also a case of trafficking. Therefore, such cases must be coupled with the presence of either ‘involuntariness’ or ‘coercion’ in the dimension of ‘unfree recruitment’ in order to amount to a case of trafficking for forced labour.

Box 3 Identification of cases of trafficking for forced labour of adults and children

Any respondent for whom the dimension of:

1. **Unfree recruitment** (involuntariness + coercion)

OR

2. **Unfree recruitment** (involuntariness or coercion) AND

Work and life under duress (involuntariness + coercion)

OR

3. **Unfree recruitment** (involuntariness or coercion) AND

Impossibility of leaving an employer (involuntariness + coercion)

is positive, can be considered in a situation of trafficking for forced labour.

For children:

- According to the UN Trafficking Protocol, the “means” are not necessary to establish a case of trafficking for children. Thus, all children who used a recruiter or a transporter and are in a situation of forced labour are also in a situation of trafficking.

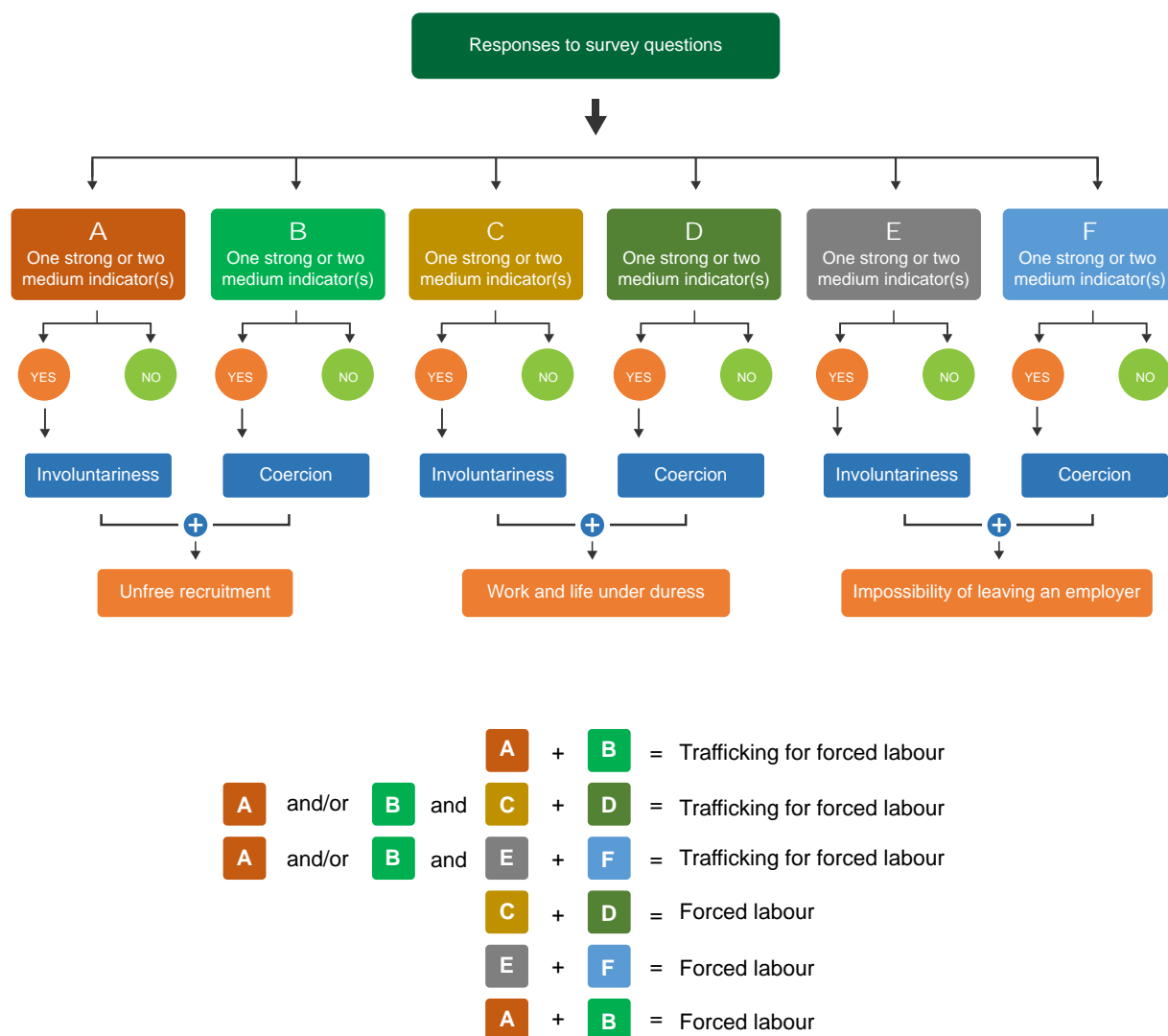
3.3 Analysis framework

The questionnaires were designed around the indicators in Table 1, with one question or multiple questions used to determine if each of the indicators occurred.⁶⁵ Respondents were asked questions that could garner answers related to specific indicators of ‘involuntariness’ and/or ‘coercion’ within each of the three dimensions of forced labour and trafficking. These questions were translated into a command in the statistical software so that cases of forced labour or trafficking for forced labour could be built automatically whenever the necessary conditions were met.

The formulas used for the software to combine the indicators to identify cases of forced labour and of trafficking for forced labour are displayed in Figure 1. A case of forced labour is determined when one strong or two medium indicators of both ‘involuntariness’ and ‘coercion’ are present in one of the three dimensions: ‘unfree recruitment’, ‘work and life under duress’, or ‘impossibility of leaving an employer’. For a case to be determined as trafficking for forced labour, a case of forced labour must be established and, in addition, there must be one strong or two medium indicators of either ‘involuntariness’ or ‘coercion’ in relation to the dimension of ‘unfree recruitment’. As explained previously, a case of ‘unfree recruitment’ is both a form of forced labour and contains the necessary element to satisfy the “act” and “means” within the human trafficking legal framework.

⁶⁵ See the respondent questionnaire in the appendix.

Figure 1. Formula for statistical software to identify cases of forced labour and trafficking for forced labour



Note: See Table 1 for the list of possible indicators.

Sorce: Internal Labour Migration Survey, ILO-Yangon, 2015.

Chapter 4: Field research methodology

The study employed quantitative and qualitative methods to collect data from internal migrant workers in Myanmar, relying primarily on a sampling method designed to capture hard-to-reach populations. In April 2015, 7,295 internal labour migrants working in a range of jobs in the private sector were interviewed using quantitative methods. The respondents were interviewed in 111 townships regarding jobs spanning 273 townships across all of the 14 states/regions in Myanmar. They were asked questions about the recruitment, migration and the working and living conditions related to one job they took between January 2013 and April 2015. Internal labour migrants were also interviewed in qualitative focus group discussions, and individual key informant interviews were undertaken with experts on internal migration, labour issues and human trafficking.

4.1 Partnerships and consultations

Following the release of the 2014 Annual Work Plan by the Central Body for the Suppression of Trafficking in Persons (CBTIP), which includes data analysis to identify trends in internal trafficking as a planned activity,⁶⁶ the Anti-Trafficking in Persons Division (ATIPD) became the ILO's main government partner for conducting the survey. This collaboration was in line with the aim that the survey results would provide an evidence-base for future collaborative work and interventions. The ATIPD facilitated interaction with and access to local administrators in research areas and provided input throughout the survey regarding its design, training of field enumerators and its use around the country.

A Civil Society Network was established and was also relied upon heavily for the design and implementation of the survey. The Civil Society Network spans all 14 states/regions and was composed of 12 civil society organizations and nine representatives of the ILO Forced Labour Complaints Mechanism Facilitator's Network.⁶⁷

Table 3. Organizations comprising the Civil Society Network, by state/region

State/Region	Civil society organization
Ayeyarwady Region	Early Childhood Care and Development Network (ECCD)
Bago Region	ILO Facilitator's Network
Chin State	ILO Facilitator's Network
Kachin State	Kachin Legal Aid Network
Kayah State	Women's Galaxy Network; ILO Facilitator's Network
Kayin State	ILO Facilitator's Network
Magway Region	Early Childhood Care and Development Network (ECCD); Social Care Volunteer Group (SCVG) ILO Facilitator's Network
Mandalay Region	ILO Facilitator's Network; Sex Workers in Myanmar (SWIM)
Mon State	Jeephyia Civil Society Development Organization (JCSDO)
Rakhine State	Action for Green Earth Organization; Rakhine Women's Union (RWU)
Sagaing Region	ILO Facilitator's Network
Shan State	Mawk Kon Local Development Organization; ILO Facilitator's Network
Tanintharyi Region	ILO Facilitator's Network
Yangon Region	Action Labour Rights (ALR); Labour Rights Clinic; Sex Workers in Myanmar (SWIM); The Agriculture and Farmers Federation of Myanmar (AFFM)

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

⁶⁶ See Activity 1.30 in Central Body for Suppression of Trafficking in Persons: "Myanmar Second Five-Year National Plan of Action to Combat Human Trafficking, annual work plan for 2014" (Nay Pyi Taw, Ministry of Home Affairs, 2014).

⁶⁷ The Facilitator's Network is a network of volunteers trained by the ILO to facilitate cases of forced labour into the ILO Forced Labour Complaints Mechanism. Approximately 6,000 individuals were trained, with approximately 800 active members.

The ILO consulted with the ATIPD, the Civil Society Network, USAID and the Yangon-based Human Trafficking Working Group (HTWG)⁶⁸ to develop a set of indicators for trafficking and forced labour in the Myanmar context (presented in Table 1), to identify the particular geographic research sites and industries where trafficking and forced labour were likely to be prevalent and to provide input on the research approach and analysis framework for the survey.

The ILO Special Action Programme to Combat Forced Labour (SAP-FL) and Statistical Unit in Geneva reviewed all aspects of the survey design to ensure it was in accordance with ILO standards and methodology.

Table 4. Main industries of respondents by state/region (destination areas)

State/Region	Main industries of respondents
Ayeyarwady Region	Agriculture, fishing, manufacturing
Bago Region	Agriculture, construction, manufacturing, mining
Chin State	Construction, domestic work, manufacturing
Kachin State	Mining, construction, manufacturing, domestic work
Kayah State	Construction, mining, transport of goods, domestic work
Kayin State	Manufacturing, construction, agriculture
Magway Region	Construction, agriculture, mining, manufacturing
Mandalay Region	Construction, manufacturing, mining, agriculture
Mon State	Manufacturing, agriculture, fishing, construction
Rakhine State	Construction, fishing, manufacturing, agriculture
Sagaing Region	Mining, manufacturing, construction, agriculture and domestic work
Shan State	Construction, manufacturing, agriculture, mining
Tanintharyi Region	Construction, manufacturing, agriculture
Yangon Region	Manufacturing, construction, domestic work, wholesale/retail trade

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

4.2 Research sites

Internal labour migrants were interviewed in three or more townships in each of the 14 states/regions. The selected areas were all either destination areas, where significant populations of internal migrants were working, or origin areas, where significant populations of internal migrants had come from. Destination areas were designated as such due to the presence of industries in which trafficking or forced labour are commonly associated, such as mining, construction, manufacturing, fishing, agriculture, sales and domestic services.

Three main sources of information were used to select the research areas: (i) recommendations by staff or affiliates of the Civil Society Network who were knowledgeable about the recruitment and labour conditions in the industries in their local areas; (ii) a list of hot spot areas for internal and cross-border trafficking developed by the ATIPD;⁶⁹ (iii) cases of internal trafficking for forced labour received through the ILO Forced Labour Complaints Mechanism.

⁶⁸ Participating HTWG members include: Australia – Asia Program to Combat Trafficking in Persons (AAPTIP), Francois-Xavier Bagnoud Myanmar (AFXB), International Organization for Migration (IOM) Myanmar, ILO-Yangon, Japan International Cooperation Agency (JICA) Project on Capacity Improvement of Recovery and Reintegration Assistance for Trafficked Persons, Save the Children Myanmar, United Nations Action for Coordination against Trafficking (UN-ACT), UNICEF Myanmar and World Vision Myanmar.

⁶⁹ The survey was conducted in 25 of the 29 hotspot areas, which are 25 townships across Yangon, Shan, Mandalay, Bago, Kachin, Ayeyarwady, Tanintharyi and Kayin states/regions.

4.3 Target population

The targeted population for this survey was male and female internal migrants aged 15–60.⁷⁰ To capture up-to-date trends in recruitment and labour, respondents were selected if they had migrated for work between January 2013 and April 2015.⁷¹ Respondents were interviewed only about the first job taken following their migration. This ensured that the job was connected to their recruitment and migration, which was necessary to analyse all components together to determine cases of trafficking. It was also required that the worker had an employer for the job in question (was not self-employed) because the ILO analysis framework for forced labour is reliant upon coercion having been applied by an employer, boss, manager or their associates.⁷²

4.4 Quantitative questionnaire design

The quantitative questionnaires for the survey were developed in accordance with *Hard to see, harder to count* guidance.⁷³ Part 1 of the questionnaire centred on basic demographic information about each respondent. Part 2 recorded the history of a recent job. Part 3 focused on the respondent's education history at the time of taking the job.

Parts 4–9 asked for information connected to the first job taken following migration from one place to another between January 2013 and April 2015. The majority of the questions in these sections sought to identify cases that complied with the Myanmar-specific set of indicators of forced labour and trafficking displayed in Table 1. For each indicator, one or more questions were asked. In particular, Part 4 focused on the conditions of recruitment, Part 5 on the nature of the job contract or agreement, Part 6 on the respondent's household financial situation just before migration; Part 7 on the conditions of work; Part 8 on the health and safety conditions; and Part 9 on the living conditions.⁷⁴

4.5 Field enumerators selection and training

The 186 field enumerators were selected via the Civil Society Network.⁷⁵ Additionally, members of the Civil Society Network were selected to be field supervisors in each state/region and referred to as a "hub representative". Their role was to select the research areas, oversee data collection and ensure the quality of the collected information.

Throughout February and March 2015, field enumerators and hub representatives attended multiple trainings, including a one-day training session to build their understanding of the technical aspects of forced labour and human trafficking. They were then invited to a subsequent three-day training designed specifically to train and instruct enumerators to carry out the survey.⁷⁶

70 Consultations revealed a common belief that children are trafficked and in situations of forced labour, while the pilot testing and review of other surveys showed that children younger than 15 were unlikely to provide reliable data necessary to analyse for trafficking, such as the ability to compare promises made during the recruitment phase with the reality of the working conditions on the job.

71 This reference period was selected due to the focus on recent trends in recruitment, migration and trafficking and because consultations revealed that the country's rapid transition meant that data from before January 2013 would not reflect current trends in human trafficking.

72 See ILO: *Hard to see, harder to count*, June 2012, pp. 13–14, www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang-en/index.htm.

73 *ibid.*, pp. 73–88. See also the appendix of this report for the full text of the respondent questionnaire.

74 Two versions of the questionnaires were used, Type 1 for migrant workers working in the destination area and Type 2 for returned migrant workers in their origin area. These questionnaires were identical except in their wording of the time frame in question to avoid confusion. See Type 1 questionnaire in the appendix.

75 The following criteria were required for enumerator selection: (i) a local who knows the geographic area; (ii) an ambitious and courageous person; (iii) a trusted member of the community; (iv) an interest in the survey topic; (v) patient and polite; (vi) at least 20 years old; (vii) can speak, read and write in Myanmar language and speak the local language (the questionnaire was recorded in Myanmar, but interviews could be carried out in other languages); (viii) have achieved basic education (minimum of grade 10); (ix) an appropriate sex in consideration of the common labour sector in the area; and (x) previous survey experience (optional). Some exceptions were made regarding age and education level, based on the maturity and competencies of certain individuals.

76 *The Enumerator's Training Manual* is on file with ILO-Yangon and is available in English and Myanmar upon request.

Table 5. Enumerator breakdown, by state/region and sex

State/Region	Enumerator		Total
	Male	Female	
Ayeyarwady Region	4	8	12
Bago Region	15	3	18
Chin State	9	3	12
Kachin State	5	8	13
Kayah State	3	10	13
Kayin State	3	6	9
Magway Region	9	5	14
Mandalay Region	6	11	17
Mon State	0	13	13
Rakhine State	7	6	13
Sagaing Region	9	2	11
Shan State	5	5	10
Tanintharyi Region	7	6	13
Yangon Region	12	6	18

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

4.6 Sampling method and data collection

A purposive (non-probability) sampling method was used, referred to as “snowball” sampling. The snowball method is used to reach elusive populations that cannot be easily identified through random sampling. This method was employed due to the difficulty of finding workers who have experienced exploitation and an assumption that knowledgeable members of the community would be able to identify potentially exploited workers, who would in turn be able to recommend other potentially exploited workers for interview.

Using the snowball sampling method, each field enumerator approached a “knowledgeable and trusted person” within a rural village tract (two to nine villages) or urban ward and requested the recommendation of three to four internal migrant workers. The enumerator would approach these people with a standardized filter questionnaire, which asked a series of ten questions to determine if the individual possessed the necessary characteristics to be interviewed (as outlined in section 4.3). If they passed, the enumerator would interview the person and then ask for a recommendation of an additional three to four potential respondents who would likely pass the filter questionnaire as well. Each enumerator employed the sampling method within one village tract or ward until 42 individuals had passed the filter questionnaire, with an aim to complete approximately 40 interviews.

4.7 Quality control

During the data collection period, ILO-Yangon staff travelled to 11 townships across seven states/regions to spot-check interviews, provide feedback for improvement and discuss any overarching problems with the hub representatives.⁷⁷ ILO-Yangon project staff then communicated with all hub representatives to inform them of common errors made by enumerators during the data collection process and recommended strategies to prevent and to fix such errors. Hub representatives in all 14 states/regions reviewed all questionnaires for quality assurance before finally submitting their report to the ILO-Yangon office for data processing.

⁷⁷ Between 23 March and 5 April 2015, two ILO-Yangon project staff conducted such monitoring in South Dagon, Hlaingtharya and Shwepyithar in Yangon Region; Shwegyin, Deik-U and Nyaunglebin in Bago Region; Pyapon in Ayeyarwady Region; Dawei in Tanintharyi Region; Mawlamyein in Mon State; Myitkyina in Kachin State; and Mandalay in Mandalay Region.

4.8 Data processing and analysis

The questionnaire data were entered into the statistical software processing program, Census and Survey Processing System (CSPPro), using a double-entry system.⁷⁸ The data were then analysed using the Statistical Package for the Social Sciences (SPSS) to identify:

- general characteristics of all migrants interviewed;
- geographic trends in internal migration in Myanmar;
- frequency of individual indicators of trafficking and forced labour;
- characteristics of internal migrants in situations of trafficking and forced labour, including their socio-economic profile as well as their conditions of recruitment, migration and work (in comparison with the remaining sample of people not in situations of forced labour or trafficking); and
- the determinants of trafficking and forced labour using regression analysis (identifying the causal factors with which forced labour and trafficking are associated).

4.9 Focus group discussions and key informant interviews

In addition to interviewing 7,295 internal labour migrants using the quantitative methods, 50 internal labour migrants (27 females, 23 males) were interviewed in six focus group discussions across four states/regions.⁷⁹

In four of the sessions, participants were adults working in a range of jobs in the private sector and were asked questions about their recruitment, migration and working conditions related to their job. This qualitative information is used to support and explain the quantitative data throughout the research findings in Chapter 5.

The other two focus group discussions were conducted with adult female sex workers. Sex workers were not interviewed using the quantitative questionnaires because the pilot testing revealed that the questionnaire was not sufficient to capture the complexity of their decision-making processes, relationships with different types of recruiters and the informal and often independent nature of their work, among other factors. The findings of these discussions with sex workers are also presented and analysed in Chapter 5.

For additional perspective and input, key informant interviews were carried out with six Myanmar nationals and one foreigner working for international and local organizations who have expert knowledge on human trafficking.

4.10 Limitations of the study

4.10.1 Research areas and sampling method

A non-probability sampling method was used for this study. This was due to a lack of data on the population for Myanmar as a whole and on internal labour migration that could have served as the basis for the design of a probability study.⁸⁰ Probability sampling may not have necessarily been desirable for the study, which aimed to reach a particular segment of the population: internal labour migrants working in elementary occupations in industries that were identified for their potential for labour exploitation.

Non-probability methods present certain potential biases that should be acknowledged. The sample was not randomly selected and was dependent on the social networks among members of the civil society representatives comprising the Civil Society Network, enumerators and respondents. As such, the statistical findings related to the 7,295 respondents cannot be said to represent the entire population of internal labour migrants in the country.

⁷⁸ This means the data were entered twice by two data entry specialists so that errors would be highlighted as inconsistencies that could then be corrected manually in CSPPro.

⁷⁹ Tanintharyi Region, Mandalay Region, Kachin State and Yangon Region.

⁸⁰ Results of the 2014 nationwide census had not yet been released at the time this study was designed. Prior to this census, the country's last population survey was completed in 1983.

4.10.2 Data collection

Enumerators were instructed to interview equal numbers of men and women;⁸¹ however, this proved to be difficult, and ultimately 4,780 men/boys were interviewed (66 per cent), while 2,515 women/girls were interviewed (34 per cent). A major reason for this was that many respondents were only able to be interviewed in the evening, outside of working hours. This limited the number of women/girls who could be interviewed because it is considered inappropriate and unsafe for women to travel alone at night or even be outside of the home, particularly in rural areas. The number of female respondents was also limited because three of the targeted industries selected were male-dominated – construction, mining and fishing. Although domestic work is female-dominated and was also included in the survey, domestic workers proved more difficult to access due to being based within their employers' homes.⁸²

Enumerators were also instructed to interview workers in private and secure spaces, in which each respondent felt comfortable to speak freely. This proved difficult in practice because employers would, in a number of cases, give their consent for the worker to be privately interviewed but would then cause problems at the time of the interview. Such cases included employers joining the interview unexpectedly, attempting to listen from a nearby room and prohibiting the worker from participating in the interview at the last moment. Regardless of whether the employer was present or not, some respondents expressed concern about speaking openly of their working conditions due to a fear that they would lose their jobs.

4.10.3 Gender

When the survey data was analysed, there were few significant differences found in the survey responses between male and female respondents, and the rates of forced labour and human trafficking were also the same among male and female respondents.

This may be because male and female respondents behaved similarly in the context of internal labour migration and faced similar levels of abuse. It also may be because the survey was not designed with the specific aim of identifying trends among female respondents and may not have been able to capture more subtle differences as a result. Instead, the survey was designed to understand nationwide patterns in internal labour migration and produce estimates of the rates of forced labour and human trafficking among the population. Significant differences that were found between male and female respondents are described in Chapter 5.

4.10.4 Analysis framework

Chapter 3 detailed the conditions that need to be met for a person to be in a situation of trafficking for forced labour according to international and Myanmar law and which formed the basis for this study. However, for an involved person (such as a recruiter, driver or employer) to be considered guilty of a trafficking crime in a court of law, it must also be proven that they committed their actions specifically for the purpose of exploitation.⁸³ In the context of this survey, the specific form of exploitation in question is forced labour. Although this survey was able to determine cases in which people were in a situation of trafficking for forced labour based on particular indicators, it was not designed to provide the level of depth necessary to determine the intent of the other persons involved and thus would not prove anyone guilty of a crime.

If such a case was taken to a court of law, the prosecutor would need to prove that the defendant intended to benefit in some way from placing a person in a situation of forced labour in order to find them guilty. To

81 Enumerators were also informed that adults were the main priority for the study but that children could be interviewed when accessible and appropriate; 474 children were interviewed of the total 7,295 respondents.

82 For example, 422 domestic workers were interviewed, compared with 2,044 workers in construction. For the number of respondents interviewed across all industries, see Table 13 in Chapter 5.

83 See the Anti-Trafficking in Persons Law (2005), Article 3(a).

authoritatively prove this intention, it typically would be necessary to interview the victim, the defendant and other witnesses and potentially consult further pieces of evidence. In the context of a research survey, this level of scrutiny for each particular case is not possible, especially because the enumerators only interviewed workers and did not interview recruiters, employers or other third-party individuals. While the workers interviewed were able to provide adequate detail on their lived-experiences to determine whether they were in a situation of trafficking for forced labour, they would not have been able to provide consistently reliable information on the intention of all other parties involved.

Additionally, courts typically will seek to identify the number of individuals who worked together, within a country or across borders, to determine the level of severity of a particular trafficking crime. For example, in Myanmar, harsher sentences are given to individuals who traffic people across international borders or as part of an organized criminal group (three or more individuals working together).⁸⁴ Although respondents were usually aware of how many individuals had helped facilitate their recruitment and migration directly, they did not necessarily know which individuals were working together, in what manner or to what extent.

For these reasons, this study does not cover the intentions of potential traffickers or the degree to which their activities were organized, which presents a noted limitation in providing a full picture of the trafficking situation. In many cases, it is possible that the recruiters or other involved persons did not know about the reality of the working conditions or other factors contributing to the workers' ultimate exploitation.

84 See the Anti-Trafficking in Persons Law (2005), Article 3(d).

Chapter 5: Research findings

This chapter presents the research findings resulting from the survey of 7,295 internal labour migrants who were interviewed about one job they had between January 2013 and April 2015. Section 5.1 includes information on the general characteristics of all internal labour migrants surveyed. Section 5.2 describes patterns in internal labour migration among all respondents, including patterns in geographic movement of migrants within Myanmar, followed by descriptions of typical recruitment, working, occupational health and safety and living conditions. Section 5.3 analyses trends in forced labour and trafficking identified in the study, including presenting the prevalence of indicators of exploitation among all respondents; quantifying the cases that meet the conditions for trafficking and forced labour according to the analysis framework used for this report; and describing the characteristics of respondents who are in a situation of trafficking or forced labour using statistical association and regression analysis to identify determinants of such exploitation.

As noted, there were a small number of statistically significant differences between the male and female respondents for the survey responses. However, disaggregated data and analysis are included throughout this chapter when such differences were found to be significant.

5.1 General characteristics of all internal labour migrants surveyed

This section describes the characteristics of all respondents, including information about their age and sex, location where interviewed and information about their socio-economic background. It also includes an overview of the geographic distribution of economic activity under study.

5.1.1 Age and sex

The 7,295 male and female respondents were aged 15 to 60. Of them, 94 per cent were adults and 6 per cent were children, and 66 per cent were male and 34 per cent were female.⁸⁵

Table 6. Age of all respondents (n=7,295)

Age	M	F	Total	%
15–17	229	245	474	6.4
18–20	658	528	1 186	16.3
21–30	1 970	1 011	2 981	40.9
31–40	1 065	418	1 483	20.3
41–50	627	235	862	11.8
51–60	231	78	309	4.2

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Table 7. Sex of all respondents (n=7,295)

Sex	#	%
Male	4 780	65.5
Female	2 515	34.4

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

⁸⁵ As shown in Table 13, the unequal distribution of men and women interviewed was largely due to a focus on male-dominated industries, such as mining, fishing and construction, for which larger numbers of men were interviewed. Meanwhile, in manufacturing, a more equal number of men and women were interviewed. Enumerators also faced some challenges accessing female respondents; see section 4.10 on the study's limitations.

5.1.2 Geographic distribution of interviews

An average of 520 respondents was interviewed in each of the 14 states/regions, and seven respondents were interviewed in Nay Pyi Taw.⁸⁶ The majority of respondents were interviewed in an average of four townships in each state/region, which are listed in Table 8, while small numbers were interviewed in other townships.

Table 8. Location of interviews (n=7,295)

State/Region	Township	State/Region	Township	State/Region	Township
Ayeyarwady	Myaungmya (167)	Kayin	Kyain Seikgyi (164)	Sagaing	Homalin (125)
(508 interviews:	Pyapon (167)	(282 interviews:	Hpa-An (92)	(412 interviews:	Kale (125)
403M/104F)	Labutta (162)	188M/94F)		288M/124F)	Hkamti (80)
					Paungbyin (80)
Bago	Daik-U (168)	Magway	Pwintbyu (197)	Shan	Monghsu (126)
(702 interviews:	Gyobingauk (168)	(536 interviews:	Yenangyaung (167)	(434 interviews:	Ywangan (126)
515M/187F)	Pauk Kaung (164)	375M/161F)	Aunglan (166)	319M/115F)	Kengtung (124)
	Shwegyin (106)				Kyaukme (41)
	Nyaunglebin (87)				
Chin	Hakha (152)	Mandalay	Natogyi (164)	Tanintharyi	Dawei (176)
(436 interviews:	Mindat (149)	(672 interviews:	Thabeikkyin (160)	(484 interviews:	Yebyu (151)
306M/130F)	Tiddim (124)	425M/247F)	Myingyan (124)	324M/160F)	Launglon (144)
			Kyaukse (122)		
			Patheingyi (83)		
Kachin	Hpakan (162)	Mon	Ye (166)	Yangon	Hlaingtharya (244)
(454 interviews:	Tanai (160)	(492 interviews:	Mudon (164)	(832 interviews:	Shwepyithar (208)
327M/127F)	Myitkyina (120)	245M/247F)	Thanbyuzayat (161)	387M/445F)	Mingaladon (108)
					South Dagon (99)
					Kyauktan (81)
					Thingangkuun (39)
Kayah	Loikaw (280)	Rakhine	Toungup (183)	Nay Pyi Taw (7	Pyinmana (6)
(541 interviews:	Demoso (212)	(503 interviews:	Ramree (105)	interviews)	Poke Ba Thi Ri (1)
367M/174F)	Hpruso (47)	306M/197F)	Thandwe (90)		
			Kyaukpyu (58)		
			Sittwe (30)		

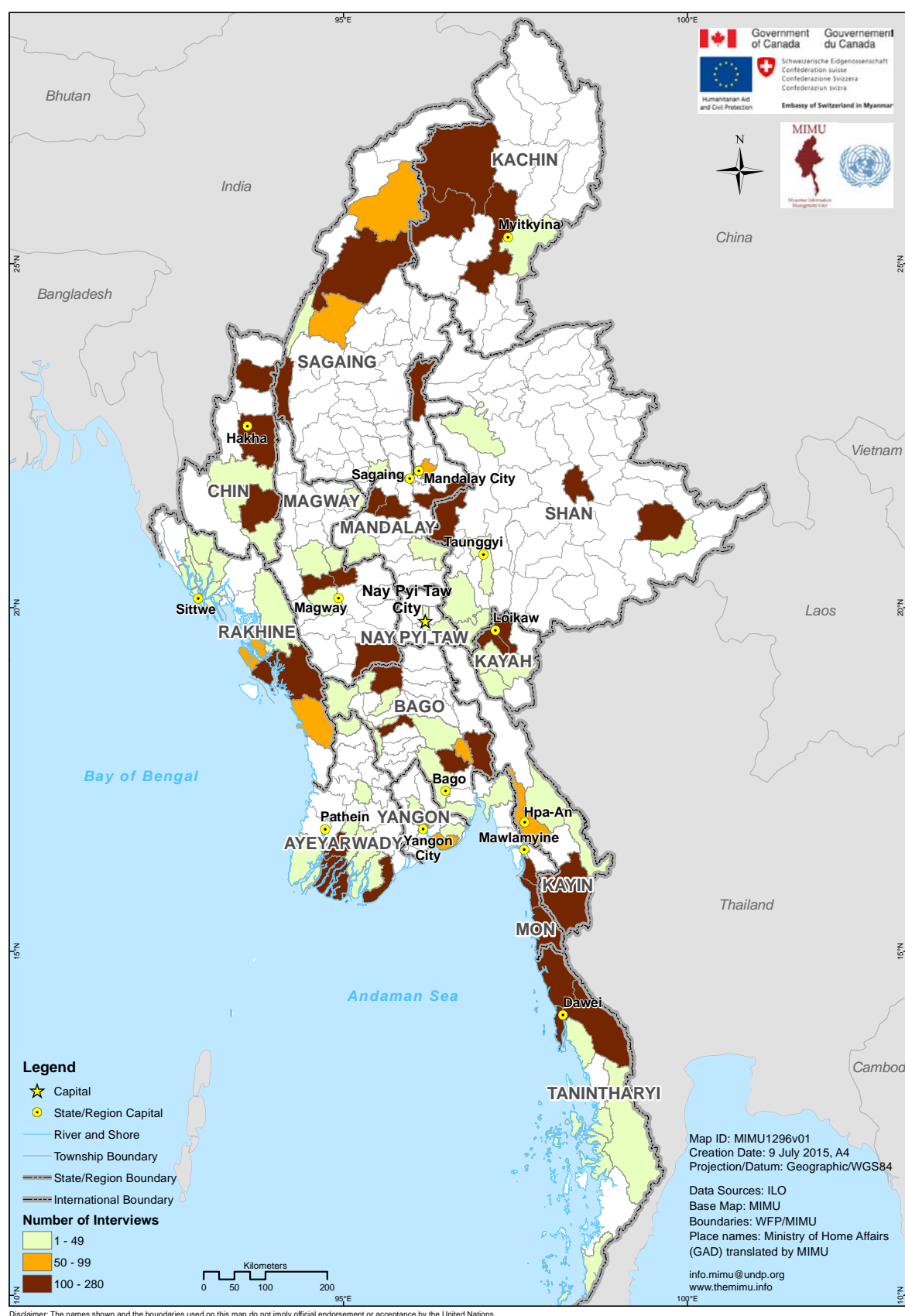
Note: Between 30 and 200 interviews were conducted in each of the 52 townships listed. Fewer than 30 interviews were conducted in an additional 59 townships, but they are not listed in this table, except for in Nay Pyi Taw.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

⁸⁶ This report uses the Myanmar Information Management Unit's (MIMU) English language spelling of place names.

Map 1. Location of interviews conducted (township level)

Respondents were interviewed in 111 townships throughout the 14 states/regions.



5.1.3 Socio-economic background

Respondents were asked to answer questions about their socio-economic background and situation at the time of taking the job. As many as 72 per cent of respondents identified as Myanmar's majority ethnic group, Bamar, while 27 per cent stated an ethnicity that was within one of seven other ethnic groupings recognized by the Myanmar Government.⁸⁷ A total of 90 per cent of the respondents interviewed were Buddhist, 9 per cent were Christian, and the remaining 1 per cent were Muslim, Hindu, Animist and other minority religions.

Table 9. Ethnicity of all respondents (n=7,295)

Ethnicity	M	F	Total	%
Bamar	3 486	1 754	5 240 ^b	71.8
Rakhine	325	228	553 ^c	7.6
Kayah	249	121	370 ^d	5.1
Chin	168	109	277 ^e	3.8
Kayin	172	101	273	3.7
Shan	145	74	219 ^f	3.0
Kachin	112	62	174 ^g	2.4
Mon	70	45	115	1.6
Muslim ^a	22	7	29	.4
Chinese	9	1	10	.1
Gurkha	3	0	3	.0
Hindu	1	4	5	.1
Bengali	2	0	2	.0
No Answer	16	9	25	.7
Total	4 780	2 515	7 295	100%

Note: a= Some people in Myanmar identify as Muslim in regards to their ethnic group, and their answers were accepted as such. b= A total of 5,183 respondents identified as Bamar, 63 as Dawei, and fewer than 5 each as Ganun and Yaw. c= A total of 543 respondents identified as Rakhine, 7 as Kamein and 3 as Mro. d= A total of 244 respondents identified as Kayah, 86 as Ka-Yun (Padaung), 31 as Bre (Ka-Yaw) and fewer than 5 each as Gheko, Manu Manaw and Kebar. e= A total of 257 respondents identified as Chin (Zomi), 10 as Naga and fewer than 5 each as Asho (Plain), Ka-Lin-Kaw (Lushay), Tiddim (Hai Dim), Kwano, Gwete and Panun. f= A total of 187 respondents identified as Shan, 11 as Pa-O, 8 as Eng, and fewer than 5 each as Pale, Kaw (Akha-E-Kaw), Kokant, Hkun, Taungyo, Danu, Palaung and Intha. g= A total of 151 respondents identified as Kachin, 14 as Rawang and fewer than 5 each as Taron-Taron, Lashi (Lawgore) and Lisu.

Source: Internal Labour Migration Survey, ILO-Yangon 2015.

Table 10. Religion of all respondents (n=7,295)

Religion	#	%
Buddhism	6 529	89.5
Christianity	669	9.2
Islam	46	0.6
Animism	15	0.2
Laipianism*	16	0.2
Hinduism	5	0.1
No answer	15	0.2
Total	7 295	100%

Note: *= Laipianism is a religion practised in Chin State and sometimes referred to as "Shawn Sarnism".

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

⁸⁷ This was an open-ended question; however, for analysis purposes, the ethnic groups were coded together according to the government classifications. The Government groups together all people it considers indigenous in eight "national races". Respondents did not always identify as one of these eight national races but instead might have identified as an ethnic group that is considered by the Government to be contained within a larger recognized national race.

Information was recorded that related to the number of people in the household and the financial situation of the household. On average, respondents came from households with five members, including two members who were earning money. The average annual household income was MMK1,540,963 (\$1,212) and the average household debt was MMK447,711 (\$352).

The education level of respondents that was recorded reflected their educational attainment at the time prior to taking the job they were being interviewed about. Questions were asked to determine the highest level of education completed by the respondent and the reasons why they ceased to continue at that stage. As can be seen in Table 11, 63 per cent of the 7,295 respondents had completed Grade 9. While 25 per cent of all respondents started upper secondary school, only 6 per cent of them graduated.

Among all respondents, a slightly higher percentage of male respondents started upper secondary (26 per cent of 4,780), compared with female respondents (24 per cent of 2,515). However, among the 1,851 respondents who started upper secondary school, a higher percentage of women/girls graduated (8 per cent of 602), compared with men/boys (5 per cent of 1,249).

When respondents were asked why they did not continue their education, 66 per cent stated financial obstacles – either they could not afford school-related costs or they had needed to work to provide money for their family.

Table 11. Education attainment of all respondents (n=7,295)

Education level completed	#	%
Kindergarten and primary school (1–5)	204	2.8
Lower secondary (6–9)	4 594	63.0
Upper secondary started (10–11)	1 851 ^a	25.4
Upper secondary passed (10–11)	115	1.6
Vocational training	12	0.2
Graduate school	113	1.5
Informal education ^b	338	4.6
Other	183	2.5

Note: a= The 1,851 is inclusive of the 115 respondents who graduated from high school. b= Includes formal monastic education (equivalent to primary level) as well as informal education provided in religious institutions, such as monasteries, churches and mosques.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Table 12. Reason for not continuing education (n=7,295)

Reason for not continuing education	#	%
I wanted to continue but did not have enough money	3 047	41.8
I did not like school	2 230	30.6
Because I needed to provide money to my family	1 743	23.9
Because I failed a standard	432	5.9
Due to a personal or family problem	339	4.6
Additional schooling was not available in my area	271	3.7
Had received enough education	203	2.8
Because I moved to another place	107	1.5
To join a monastery	82	1.1
I was not treated well in school	61	0.8
Other	149	2.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

5.1.4 Possession of identification

Some 5,720 (78 per cent of all respondents) possessed a Citizenship Scrutiny Card (CSC),⁸⁸ while 1,575 respondents (22 per cent) stated they did not. When asked why they did not have a CSC, respondents stated that they: had never registered for it (58 per cent of 1,575); lost it (13 per cent); registered for it but never received it (9 per cent); were in possession of a “white card” (3 per cent);⁸⁹ or could not afford it (2 per cent). The following answers were also stated by less than 1 per cent each: in possession of a “green card”;⁹⁰ it was damaged and not replaced; not on a legal family member list; only on a temporary family list; and because I do not need it.

88 A CSC is the main form of identification for Myanmar citizens and is required to obtain a labour card for employment. It was previously referred to as a National Registration Card (NRC).

89 “White cards” are temporary identification cards for people who are living in Myanmar but are not citizens. They are issued based on a determination by the Ministry of Immigration and cannot be used to apply for citizenship.

90 “Green cards” are issued by the Ministry of Immigration as part of a process in which a person’s identity is verified and then they may apply for citizenship.

5.1.5 Industry and geographic distribution of economic activity in the study

The 7,295 respondents were interviewed about one job they had between January 2013 and April 2015. These jobs were located across all 14 states/regions and in Nay Pyi Taw and across 14 industry groupings.⁹¹ Among all respondents, 28 per cent were interviewed about a job in construction, 26 per cent in manufacturing, 11 per cent each in agriculture and mining and 6 per cent in domestic work, with smaller percentages among an additional nine industries

Table 13. Industry and geographic distribution of economic activity in the study (n=7,295)

Geographic spread and Industry	Ayeyar wady	Bago	Chin	Kachin	Kayah	Kayah	Magway	Manalaya	Mon	Nay Pyi Taw	Rakhine	Sagaing	Shan	Tanintharyi	Yangon	No answer	Total (male/female)
Construction ^a	15	91	277	67	139	76	70	172	50	30	216	40	301	194	295	11	2 044 (1 632/412)
Manufacturing ^b	52	82	15	51	29	162	20	136	229	11	34	68	150	105	740	4	1 888 (919/969)
Agriculture ^c	92	97	11	25	16	23	28	68	156	5	21	39	76	101	68	4	830 (509/321)
Mining	1	45	1	259	43	6	23	112	41	3	5	170	47	19	1	2	778 (686/92)
Domestic service	12	18	39	43	30	18	8	29	8	2	2	39	26	13	134	1	422 (116/306)
Wholesale/retail trade	4	32	17	31	18	19	7	33	4	9	10	25	19	13	91	2	334 (182/152)
Fishing	71	5	2	1	1	3	2	4	62	0	65	0	7	26	35	2	286 (201/85)
Transport of goods	13	15	8	25	35	11	4	22	2	0	5	12	24	9	57	0	242 (225/17)
Food/beverage service	1	5	12	35	12	10	2	4	4	3	8	23	12	22	26	2	181 (84/97)
Forestry	0	10	8	13	20	4	6	6	8	1	1	32	24	15	10	0	158 (130/28)
Buildings/land service	1	0	9	0	11	0	1	7	0	0	0	0	4	1	15	1	50 (36/14)
Amenity service ^d	2	0	4	4	4	1	1	3	3	3	2	2	2	4	12	0	47 (40/7)
Hotels	0	0	2	3	1	0	0	2	0	1	0	4	7	2	7	0	29 (20/9)
Sex service	0	0	0	3	0	0	0	0	0	0	3	0	0	0	0	0	6 (0/6)
Total	264	400	405	560	359	333	172	598	567	68	372	454	699	524	1 491	29	7 295 (4 780/2 525)

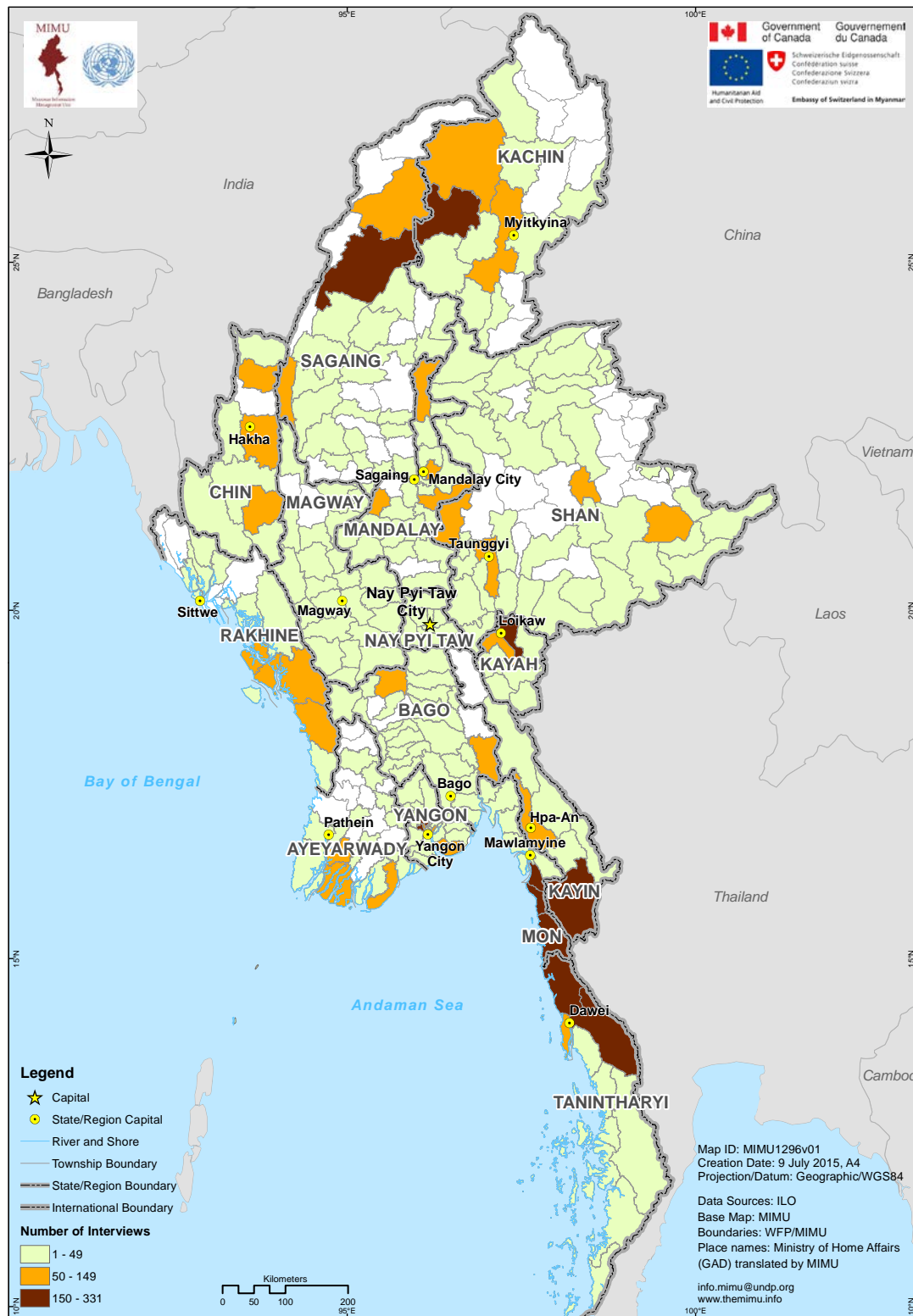
Note: a= Includes construction of buildings; civil engineering (roads, railways, utility projects); demolition, site preparation; electrical, plumbing and other construction installation. b= Includes manufacturing of food, beverages, tobacco, textiles, paper, wood, chemicals, medicine, rubber, metals, non-metallic minerals, electronics, machines and other. c= Includes crops and animal production. d= Includes electricity, gas, steam and air conditioning supply; water collection, treatment and supply; sewerage; waste collection, treatment and disposal activities.

Source: Internal Labour Migration Survey, ILO–Yangon, 2015.

91 By design, sex workers were not intended to be surveyed in the quantitative study; however, six women in sex work were interviewed and are included in this table. Sex workers were interviewed in qualitative focus group discussions, which are summarized in Box 4 on sex work as an area of future research.

Map 2. Location of jobs covered by the study (respondent was interviewed about a job taken in this township)

The 7,295 respondents were interviewed about the recruitment, working and living conditions associated with one job they had between January 2013 and April 2015. The map shows the location of that job and therefore shows that the findings of this study cover labour conditions related to respondents' jobs in 273 townships.



5.2 Patterns in internal labour migration among all respondents

This section describes statistical patterns in internal labour migration among all 7,295 respondents. It highlights notable patterns in the geographic movement of migrants within Myanmar, followed by descriptions of typical recruitment, working, occupational health and safety and living conditions. While some problems faced by respondents are noted in this section, more specific trends in abuse and exploitation among all survey respondents are explained in section 5.3.

5.2.1 Geographic patterns in migration

Origin–destination area trends

Among all respondents, a greater number migrated for work across states/regions than within one state/region. Specifically, 4,455 respondents (62 per cent) migrated for work across a state/region, while 2,781 respondents (38 per cent) migrated within a state/region.

However, this was only the case for respondents originating in five states/regions and Nay Pyi Taw. As can be seen in Table 14, respondents originating in Ayeyarwady, Bago, Magway, Mandalay, Yangon and Nay Pyi Taw migrated to other states/regions in larger numbers than they migrated within their own state/region. Conversely, migrants originating in Chin, Kayah, Kayin, Kachin, Mon, Rakhine, Sagaing, Shan and Tanintharyi states/regions migrated in larger numbers within the same state/region than cumulatively to all other states/regions.

Table 14. Number of respondents migrating within one state/region and cumulative number migrating to other states/regions, by origin state/region (n=7,236)

Origin state/region	# respondents who migrated to area within state/region	# respondents who migrated to area in another state/region
Migrated in larger numbers across states/regions		
Ayeyarwady	233	946
Bago	311	935
Mandalay	269	509
Magway	135	756
Yangon	149	151
Nay Pyi Taw	2	55
Migrated in larger numbers within state/region		
Chin	145	37
Kayah	245	199
Kayin	57	33
Kachin	221	24
Mon	135	111
Rakhine	289	254
Sagaing	327	306
Shan	149	109
Tanintharyi	114	30
Total*	2 781	4 455

Note *= Of the total 7,295 respondents, only 7,236 gave sufficient information to determine migration trends at the state/region level

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

In all states/regions except for Ayeyarwady and Magway, respondents were most likely to migrate to another place within their own state/region than to any other single state/region. Table 15 shows the top-four most common destination areas of respondents originating from each of the 14 states/regions and Nay Pyi Taw. For example, of the 444 respondents originating in Kayah State, 55 per cent migrated to another place within Kayah, while 24 per cent migrated to Shan State, 6 per cent migrated to Yangon Region, 2 per cent migrated to Bago Region, and 13 per cent migrated to other states/regions.

Table 15. Top-four destination areas of respondents, by origin state/region (n=7,236)

State/region of origin	Total # of respondents migrating from this state/region*	State/region of destination			
		Most common destination state/region	Second-most common destination state/region	Third-most common destination state/region	Fourth-most common destination state/region
Ayeyarwady	1 179	Yangon (49%, 577)	Ayeyarwady (20%, 233)	Mon (16%, 191)	Tanintharyi (7%, 77)
Bago	1 246	Bago (25%, 311)	Yangon (21%, 265)	Tanintharyi (18%, 229)	Mon (14%, 179)
Chin	182	Chin (80%, 145)	Kachin (9%, 17)	Sagaing (5%, 10)	Magway (2%, 4)
Kachin	245	Kachin (90%, 221)	Shan (2%, 4)	Yangon (1%, 3)	Mandalay (1%, 3)
Kayah	444	Kayah (55%, 245)	Shan (24%, 107)	Yangon (6%, 28)	Bago (2%, 9)
Kayin	90	Kayin (63%, 57)	Yangon (16%, 14)	Mon (12%, 11)	Bago (4%, 4)
Magway	891	Yangon (18%, 161)	Chin (17%, 153)	Shan (17%, 148)	Magway (15%, 135)
Mandalay	778	Mandalay (35%, 269)	Shan (25%, 196)	Sagaing (7%, 56)	Kachin (7%, 55)
Mon	246	Mon (55%, 135)	Kayin (31%, 76)	Tanintharyi (7%, 17)	Yangon (6%, 15)
Nay Pyi Taw	57	Shan (30%, 17)	Tanintharyi (19%, 11)	Kayah (16%, 9)	Yangon (9%, 5)
Rakhine	543	Rakhine (53%, 289)	Yangon (34%, 187)	Kachin (6%, 31)	Tanintharyi (2%, 10)
Sagaing	633	Sagaing (52%, 327)	Kachin (18%, 117)	Chin (5%, 34)	Shan (5%, 33)
Shan	258	Shan (58%, 149)	Mandalay (18%, 46)	Kayah (13%, 34)	Kachin (5%, 14)
Tanintharyi	144	Tanintharyi (79%, 114)	Yangon (10%, 15)	Ayeyarwady (3%, 4)	Bago (2%, 3)
Yangon	300	Yangon (50%, 149)	Mon (8%, 24)	Tanintharyi (8%, 23)	Chin (6%, 17)

Note *= Of the total 7,295 respondents, 7,236 gave sufficient information to determine migration trends at the state/region level.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Table 16 displays the top-four origin areas of respondents working in the 14 states/regions and Nay Pyi Taw. As can be seen, respondents working in Ayeyarwady, Bago, Kachin, Kayah, Magway, Mandalay, Rakhine and Sagaing states/regions were more likely to migrate from somewhere else within that state/region than from any other single state/region. The trend was not the same for respondents working in Chin, Kayin, Mon, Shan, Tanintharyi and Yangon states/regions. Those respondents were more likely to migrate from a different state/region than from another place within the state/region where they were working.

Table 16. Top-four origin areas of respondents, by destination state/region (n=7,236)

State/region of destination	Total migrating to state/region from all 14 states/regions*	State/region of origin			
		Most common origin state/region	Second-most common origin state/region	Third-most common origin state/region	Fourth-most common origin state/region
Ayeyarwady	263	Ayeyarwady (89%, 233)	Bago (4%, 10)	Rakhine (2%, 5)	Yangon (2%, 5)
Bago	398	Bago (78%, 311)	Mandalay (7%, 28)	Magway (5%, 19)	Yangon (3%, 11)
Chin	401	Magway (38%, 153)	Chin (36%, 145)	Sagaing (8%, 34)	Yangon (4%, 17)
Kachin	552	Kachin (40%, 221)	Sagaing (21%, 117)	Mandalay (10%, 55)	Magway (8%, 45)
Kayah	358	Kayah (68%, 245)	Shan (9%, 34)	Mandalay (9%, 31)	Magway (5%, 19)
Kayin	333	Bago (37%, 122)	Mon (23%, 76)	Kayin (17%, 57)	Ayeyarwady (12%, 40)
Magway	171	Magway (79%, 135)	Mandalay (9%, 15)	Bago (5%, 9)	Chin (2%, 4)
Mandalay	596	Mandalay (45%, 269)	Sagaing (18%, 105)	Magway (15%, 90)	Shan (8%, 46)
Mon	564	Ayeyarwady (34%, 191)	Bago (32%, 179)	Mon (24%, 135)	Yangon (4%, 24)
Nay Pyi Taw	66	Magway (41%, 27)	Bago (14%, 9)	Mandalay (11%, 7)	Kayah (11%, 7)
Rakhine	372	Rakhine (78%, 289)	Bago (7%, 25)	Magway (5%, 20)	Mandalay (5%, 18)
Sagaing	454	Sagaing (72%, 327)	Mandalay (12%, 56)	Magway (6%, 27)	Kachin (2%, 11)
Shan	698	Mandalay (28%, 196)	Shan (21%, 149)	Magway (21%, 148)	Sagaing (5%, 33)
Tanintharyi	524	Bago (44%, 229)	Tanintharyi (22%, 114)	Ayeyarwady (15%, 77)	Magway (5%, 24)
Yangon	1 486	Ayeyarwady (39%, 577)	Bago (18%, 265)	Rakhine (13%, 187)	Magway (11%, 161)

Note *= Of the total 7,295 respondents, only 7,236 gave sufficient information to determine migration trends at the state/region level.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Rural–urban trends

Among all respondents, those originating in a rural area were more likely to migrate to another rural area than to an urban area. Similarly, respondents originating in an urban area were more likely to migrate to another urban area than to a rural area. This pattern was observed among respondents who migrated within a township and across townships (within a state/region). However, among respondents who migrated to a different state/region, migration from a rural to urban area was more common. Because movement to areas far from one's place of origin can be costly, risky and more impactful on one's family life, migrants are only likely to do so for the higher wages that are generally available in urban areas.

Table 17. Rural–urban migration patterns (n=7,216)

From		To				Total
		Urban		Rural		
		#	%	#	%	
Migrated within a township (within a state/region)	Urban	189	77.0	58	23.5	247
	Rural	149	22.1	525	78.0	674
	Total	338	36.7	583	63.3	921
Migrated across townships (within a state/region)	Urban	271	52.0	250	48.0	521
	Rural	383	28.7	950	71.3	1 333
	Total	654	35.3	1 200	64.7	1 854
Migrated across states/regions	Urban	619	55.7	493	44.3	1 112
	Rural	1 714	51.5	1 615	48.5	3 329
	Total	2 333	52.5	2 108	47.5	4 441
Total	Urban	1 079	57.4	801	42.6	1 880
	Rural	2 246	42.1	3 090	58.0	5 336
	Total	3 325	46.1	3 891	54.0	7 216*

Note: *= Among the 7,295 respondents, only 7,216 gave sufficient information to calculate rural–urban migration trends.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

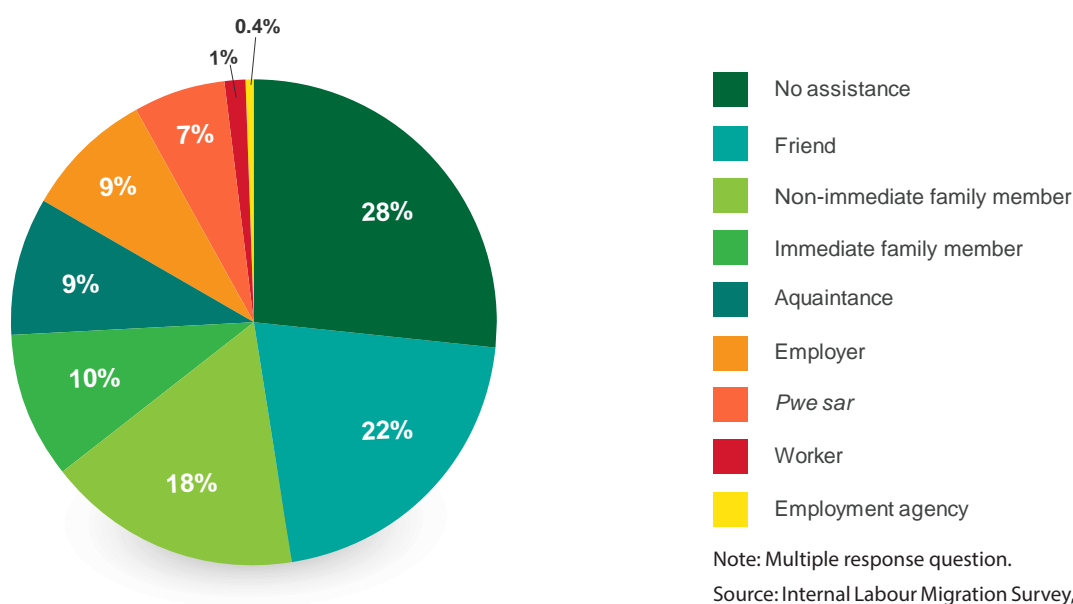
5.2.2 Recruitment conditions

Of the 7,295 internal labour migrants interviewed for this study, the majority stated that they made the decision to migrate for work due to a need for money (84 per cent), while a smaller number migrated due to a lack of employment opportunities in their home village (17 per cent). These two factors are interrelated, as both are typically linked to limited job prospects in the origin area. Participants in the three focus group discussions reported they were only able to earn MMK1,000–MMK2,500 (\$0.79–\$2) a day in their native area and had migrated due to prospects of earning MMK4,000–MMK7,000 (\$3–\$5.50) a day in other areas.⁹² Many of the study respondents also said that they migrated with the aim of “standing on their own feet” (10 per cent) and/or because of interest in a particular job or skill (5 per cent).⁹³ In most cases, the respondents said they made the decision to migrate themselves (72 per cent), but many made the decision with their family (26 per cent). In nearly all instances, respondents initially found out about the job from another person (98 per cent), as opposed to an employment agency or a published notice.

⁹² Focus group discussions with internal labour migrants in Kachin, Mandalay and Tanintharyi in April 2015.

⁹³ This was a multiple response question, so percentages due not amount to 100.

Figure 2: Type of recruitment actors among all respondents (n= 7,295)



As many as 72 per cent of the respondents stated that they received some type of assistance from another person in arranging their recruitment into the job, while 28 per cent received no assistance.

Among the 5,233 respondents who received recruitment assistance from another person, 86% already knew the person who assisted them, such as a friends, family members or acquaintances. Only 491 respondents (9 per cent of 5,233 or 7 per cent of all respondents) said they received assistance from a *pwe sar*.⁹⁴

Of the 5,233 respondents, only 5 per cent said that the person who had assisted them – be it a family member, *pwe sar* or other – had a recruitment license, while the majority (95 per cent) either said the person had no license or they did not know. Men were slightly more likely to be assisted by a recruiter with a license (5 per cent) than women (3 per cent).

Only 169 respondents (3 per cent of 5,233) paid a recruitment fee, which in most cases was paid to the *pwe sar* (148 respondents) or, in a few cases, to the employer (15 respondents).⁹⁵ This suggests that when family or acquaintances assist in arranging jobs they do not charge a fee and that internal labour migration in Myanmar is largely occurring without any type of recruitment fee. The fees that were paid ranged between MMK10,000 (\$8) and MMK450,000 (\$354), with the average at MMK31,584 (\$25). In fewer than half of the cases in which a recruitment fee was paid, the respondents needed to borrow money to pay it (71 respondents).

Among all 7,295 respondents, jobs were arranged both before migrating (54 per cent) and upon arrival in the new area (46 per cent). In more than half of all cases, the migrant organized their travel arrangements alone (54 per cent), but friends (11 per cent), relatives (9 per cent), parents (9 per cent), employers (7 per cent) and recruiters (5 per cent) also had a role.

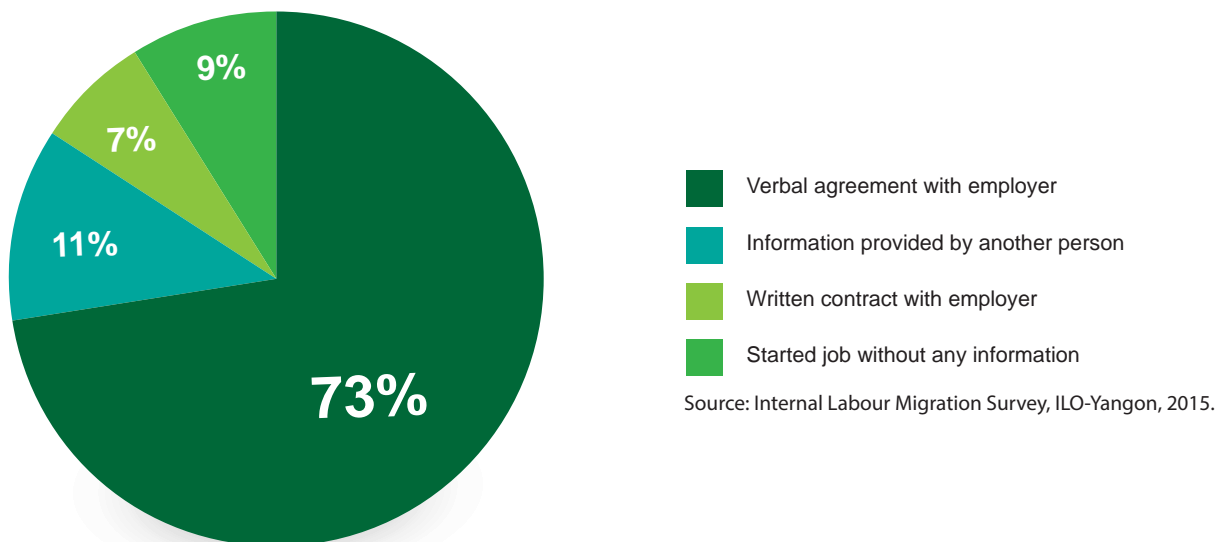
⁹⁴ *Pwe sar* translates closely to “broker” in Myanmar language. In the context of labour migration, it refers to a person who communicates the terms of a job to a potential worker on behalf of an employer. A *pwe sar* sometimes charges a fee for services provided and sometimes provides a loan. All other individuals, such as family, friends and acquaintances, who assist a potential migrant with a job placement are referred to as “informal recruiters”. Informal recruiters typically do not charge a fee and do not have a recruitment license; they are likely known by the migrant in some way, though this is not always the case.

⁹⁵ Four respondents paid a fee to a family member and two respondents paid a fee to an employment agency.

5.2.3 Job contract or agreement

The majority of respondents said they had made a verbal agreement with the employer regarding the nature and conditions of work (73 per cent of 7,070), while smaller numbers had only received information about the job from another person (11 per cent) or had started the job without any information provided (9 per cent).⁹⁶

Figure 3: Type of employment agreement (n=7,070)



Despite the requirement for a written employment contract under Myanmar law,⁹⁷ only 7 per cent of the respondents had a written contract with their employer. Among the 495 people who had a written contract, 174 stated that they did not fully understand the terms.⁹⁸ Among the male and female respondents who had a contract, men were more likely to fully understand their contract (62 per cent of 325) than the women (53 per cent of 170).

Table 18 presents a comparison of how frequently 17 aspects of the work were included in verbal agreements and in written contracts. Respondents who had made a verbal agreement were more likely than those with written contracts to have explicit agreements in all 17 of these areas. Therefore, not only was the number of respondents who had a written contract small, the contract typically did not contain adequate information according to Myanmar law.⁹⁹ On the other hand, it is more difficult to use a verbal agreement as a tool with which a worker can hold a recruiter or employer accountable for particular working conditions.¹⁰⁰ Furthermore, many of these verbal agreements were made with only a relative or a friend and not even with the employer, meaning the employer is not always accountable for said working conditions. For both categories, Table 18 displays only the promises that were made prior to beginning employment – meaning that even these were not necessarily maintained.¹⁰¹

⁹⁶ Only 7,070 of the 7,295 respondents answered the question about type of job agreement.

⁹⁷ All workers should, by law, have an employment contract within 30 days of work, as prescribed in the Employment and Skills Development Law (2013), Section 5. Respondents were not interviewed if they had been working in the job for less than one month, so all should have had a contract at the time of interview.

⁹⁸ Inability to understand one's contract was an indicator of exploitation in this study. For more information, see section 5.3.1 on indicators of trafficking and forced labour among all respondents.

⁹⁹ According to Myanmar law, an employment contract must contain information about: type of employment; probation period and length of contract; wages; location of job; working hours and overtime; days off, holiday and annual leave; meal arrangement during working hours; accommodation; medical treatment; transportation to worksite and travel; and other regulatory issues. See Employment and Skills Development Law (2013), Section 5.

¹⁰⁰ According to the Contract Law from the British colonial period, a verbal contract is generally valid and binding. However, by their very nature, verbal promises between two individuals cannot be confirmed at a later date, should disputes arise, and this puts the burden of proof on the worker to prove what was stated in the verbal agreement with the employer. According to the Employment Skills and Development Law (2013), Section 3(5)(g), the employment contract must be a written document.

¹⁰¹ For information on how often such promises are kept, see section 5.3.1 on indicators of trafficking and forced labour among all respondents.

Table 18. Content of employment agreements

Topic agreed upon prior to starting the job	Verbal agreement with employer or other person (% of 5 956)	Written contract with employer (% of 495)
General industry	87%	62%
Specific tasks/occupation	80%	58%
Employer	46%	33%
Job location	78%	52%
Wage amount	86%	56%
Who wages are paid to	71%	49%
Payment interval	78%	54%
Hours of work	66%	46%
Overtime pay	35%	30%
Housing/living arrangements	61%	36%
Migration arrangements ^a	49%	37%
Length of employment	44%	45%
Sick leave	60%	42%
Time off for personal reasons	56%	35%
Compensation for job-related accidents	30%	31%
Free food supply as a benefit	45%	27%
System for paying off debt	17%	16%

Note: a= From origin to destination within the country.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

5.2.4 Working conditions

Respondents earned an average of MMK108,180 (\$85) per month. Some 42 per cent of all respondents earned between MMK50,000 and MMK99,000 (\$40 and \$78) per month, 28 per cent earned between MMK100,000 and MMK149,000 (\$79 and \$117); and 17 per cent of respondents earned less than MMK50,000 per month.

Female respondents made less money than male respondents. Male respondents earned an average of MMK121,775 (\$96) per month, while female respondents earned an average of MMK82,319 (\$65) per month. Of the total 2,515 female respondents, 26 per cent earned less than MMK50,000 per month, while only 12 per cent of the 4,780 male respondents earned that amount. While 53 per cent of female respondents earned between MMK50,000 and MMK99,000 per month, 37 per cent of male respondents earned the same amount. Only 17 per cent of female respondents earned between MMK100,000 and MMK149,000 per month, while 34 per cent of male respondents earned that amount. The trend continued into higher wage brackets, with 2 per cent of female respondents and 8 per cent of male respondents earning between MMK150,000 and MMK199,000 (\$118 and \$157) per month. This means that male respondents were concentrated within the MMK50,000–MMK149,000 wage bracket, while women were concentrated within the MMK50,000–MMK99,000 bracket.

Table 19 displays the average monthly salaries broken down by 13 industries and by the sex of the respondent. Among all respondents, male forestry workers earned the most and female domestic workers earned the least per month. Women earned less money per month across all industries except in the hotels industry.

Table 19. Average monthly salary, by industry type and sex of respondents (n=7,295)

Industry	Average (mean) salary per month		
	Male respondents	Female respondents	All respondents
Agriculture	MMK89 777 (\$71)	MMK82 088 (\$65)	MMK86 793 (\$68)
Forestry	MMK144 632 (\$114)	MMK120 464 (\$95)	MMK140 321 (\$110)
Fishing	MMK89 450 (\$70)	MMK84 541 (\$67)	MMK87 986 (\$69)
Mining	MMK145 033 (\$114)	MMK99 888 (\$79)	MMK139 774 (\$110)
Manufacturing	MMK103 032 (\$81)	MMK83 209 (\$65)	MMK92 872 (\$73)
Amenity service	MMK123 400 (\$97)	MMK66 429 (\$52)	MMK114 915 (\$90)
Construction	MMK139 670 (\$110)	MMK95 518 (\$75)	MMK130 577 (\$103)
Wholesale/retail trade	MMK88 685 (\$70)	MMK68 344 (\$54)	MMK79 434 (\$62)
Transport of goods	MMK143 880 (\$113)	MMK71 000 (\$56)	MMK138 760 (\$109)
Hotels	MMK99 000 (\$78)	MMK156 111 (\$123)	MMK116 724 (\$92)
Food/beverage service	MMK71 797 (\$56)	MMK65 210 (\$51)	MMK71 798 (\$56)
Buildings/land service	MMK106 071 (\$83)	MMK68 708 (\$54)	MMK95 952 (\$75)
Domestic services	MMK100 022 (\$79)	MMK60 520 (\$48)	MMK71 361 (\$56)

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Children earned less money than adults. Adult respondents (18–60 years) earned an average of MMK110,197 (\$87) per month, and child respondents (15–17 years) made an average of MMK79,192 (\$62).

Nearly half of respondents were paid on a monthly basis (48 per cent), 18 per cent on a daily basis, 12 per cent on a weekly basis, 6 per cent after doing a certain task or piecemeal, and 9 per cent had no set payment period.

Of all respondents, 60 per cent stated that they typically worked seven days per week, 28 per cent stated six days per week, and 9 per cent stated four to five days per week.

Only 26 per cent of respondents worked eight hours per day, while 32 per cent worked nine to ten hours per day and 33 per cent worked 11 to 15 hours per day (excluding breaks).¹⁰²

A total of 90 per cent of respondents indicated that they had some type of break during the day; half of these respondents had a one-hour break, 25 per cent had two hours, and 6 per cent took small, more ad hoc breaks when not actively working.

A total of 4,280 respondents (59 per cent) were given some time off per month by their employer, while 41 per cent were not. Among the 4,280 respondents who had time off per month, only 35 per cent of them were given paid time off.

¹⁰² As explained in Chapter 2, employers may not require employees in certain industries to work more than eight hours per day; however, the survey finding is not sufficient to determine if employers were breaking the law. The regulation of working hours under Myanmar law only applies to factory and shop/establishment workers, while other workers remain outside the regulation of working hours. Some of the respondents working more than eight hours per day may have had particular arrangements for overtime hours that could not be adjusted with the dataset.

A total of 613 respondents (8 per cent) indicated that they were in debt to their employer. Of them, 90 per cent were in that debt due to borrowing money from the employer in advance of receiving wages. This type of borrowing can be problematic when the specific arrangements for how and over what period the debt will be paid off are not clearly identified or followed.¹⁰³ Much smaller percentages of the 613 respondents explained that they were paying off a family debt with their work (6 per cent) or that the debt was transferred from the recruiter (3 per cent).

A total of 2,962 respondents (41 per cent) were required to work overtime by their employers.¹⁰⁴ Among them, 40 per cent were not paid at a higher rate than usual for their overtime work. Female respondents were required to do overtime work slightly more than male respondents; however, when female respondents performed overtime work, they were more likely to be paid at a higher rate compared with male respondents.¹⁰⁵

5.2.5 Occupational safety and health

All respondents were asked about their exposure to dangerous working conditions, the prevalence of accident-related injuries and whether they thought compensation would typically be provided should an accident occur.

Respondents most commonly reported exposure to dust or fumes (46 per cent); extremely hot or cold air temperatures (39 per cent); and loud vibrations and noises (34 per cent). In addition to these common issues faced by respondents across all industries, respondents in certain industries reported the following particular issues.

- Among the 2,044 respondents working in construction jobs, 36 per cent reported working at extreme heights; 12 per cent cited touching extremely hot or cold materials; and 10 per cent cited exposure to fire, gas or flames.
- Among the 1,888 respondents working in manufacturing jobs, 12 per cent reported touching extremely hot or cold materials; 19 per cent cited exposure to fire, gas or flames; 11 per cent cited exposure to toxic smells; and 19 per cent cited insufficient ventilation.
- Among the 830 respondents working in agriculture jobs, 12 per cent reported exposure to chemicals (pesticides, glues, dyes) and 9 per cent reported touching extremely hot or cold materials.
- Among the 778 respondents working in mining jobs, 44 per cent reported working deep underground; 22 per cent cited working in a confined space; and 19 per cent cited insufficient ventilation.
- Among the 286 respondents working in fishing jobs; 33 per cent reported touching extremely hot or cold materials; 29 per cent cited exposure to toxic smells; and 8 per cent cited working in a confined space.
- Among the 158 respondents working in forestry jobs, 13 per cent reported working at extreme heights; 11 per cent reported exposure to fire, gas or flames; and 9 per cent reported exposure to toxic smells.

As a product of the working conditions, respondents across all industries reported suffering common injuries, including superficial injuries and open wounds (24 per cent); extreme fatigue (15 per cent); dislocations, sprains or strains (9 per cent); skin problems (7 per cent); burns, corrosions or scalds from frostbite (6 per cent); breathing problems (5 per cent); and eye or vision problems (4 per cent). Smaller percentages of respondents experienced body swelling, fractures, stomach problems and changes to their menstrual cycle as a result of the work.

¹⁰³ For analysis of debt bondage cases, see section 5.3.1 on indicators of trafficking and forced labour.

¹⁰⁴ A total of 1,586 of these respondents said they were required to work overtime without choice. For more information, see section 5.3.1 on indicators of trafficking and forced labour.

¹⁰⁵ As much as 42 per cent of all female respondents were required to work overtime, compared with 40 per cent of all male respondents. Among the male and female respondents who worked overtime, 61 per cent of female respondents were paid at a higher rate for the work and 54 per cent of male respondents were paid at a higher rate for the work.

Table 20. Common health problems or injuries of respondents

Health problem/ injury resulting from work	Top-two industries experiencing the problem/ injury	
Superficial injuries and open wounds	32% of mining workers	29% of forestry workers
Extreme fatigue	33% of fishing workers	20% of transport workers
Dislocations, sprains or strains	22% of transport workers	18% of mining workers
Skin problems	15% of fishing workers	11% of mining workers
Burns, corrosions or scalds	16% of fishing workers	15% of domestic workers
Breathing problems	10% of mining workers	9% of transport workers
Eye or vision problems	6% of transport workers	5% of manufacturing workers

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

For 70 per cent of respondents, the provision of compensation for job-related accidents or injuries was not discussed as part of a verbal agreement nor included in a written contract, in contradiction to Myanmar law.¹⁰⁶ Only 1,948 respondents (27 per cent) were initially promised some type of compensation for job-related accidents or injury. Around 90 per cent of them said that they had either received compensation or were confident that they would receive some type of compensation if injury was to occur. This indicates that only a small percentage of workers have agreements to receive compensation for injuries on the job but that if it is agreed upon verbally or in a written contract, it is likely to be guaranteed.

5.2.6 Living conditions

Workers were asked a set of questions related to the living conditions associated with the job. Of the 7,295 respondents, 4,747 (65 per cent) stated that they lived in housing provided by their employer. And 88 per cent felt safe and secure in their living quarters, while 11 per cent did not. On average, workers shared a room with six other people; 46 per cent shared a room with other people of the same sex, while 15 per cent shared living quarters with people of mixed sex.¹⁰⁷ The 82 per cent of respondents in shared housing thought they had enough privacy, while 6 per cent thought they did not have sufficient privacy, and 12 per cent said they did not know or did not want to answer the question.

For more than half of the 4,747 workers in employer-provided housing, their place of accommodation was the same as their place of work, while 35 per cent lived within walking distance of their place of work. Only 5 per cent of those in employer-provided housing took public transport to work on their own, while another 5 per cent used transportation provided by the employer.

While the findings from the quantitative survey indicated that respondents were largely content with their accommodation, the focus group discussions revealed a different picture. Internal migrants across the country raised the issue of insecure housing in their destination area. During the focus group discussions, workers explained that internal migrants are often unable to afford to rent regular housing and instead have to construct their own housing out of basic materials, such as wood or bamboo, typically beside the work site, in an urban area or in the forest/jungle. In some cases, employers provide the basic materials, but often workers must find or buy their own materials to construct their housing. These structures are open and exposed to the environment and bad weather and are not secure from passers-by. In some cases, migrant workers must build their housing illegally on government-owned or privately owned land and are thus at risk of their housing being destroyed or they may be required to pay bribes to stay.¹⁰⁸

¹⁰⁶ A commitment to the employer providing medical treatment for job-related accidents should be included in a written contract for all workers within 30 days of beginning employment; see Employment and Skills Development Law (2013), Section 5.

¹⁰⁷ It is likely that some of the migrants sharing housing with people of the other sex were living with members of their own family.

¹⁰⁸ Focus group discussions with internal labour migrants in Dawei, Myitkyina and Mandalay, April 2015; key informant interview in South Dagon, April 2015.

In January 2015, 143 temporary huts built by internal labour migrants in South Dagon Township in Yangon were destroyed by local authorities. The migrants were informed that they were living on the land illegally and that the land had been allotted for an industrial zone.¹⁰⁹ In another case in Dawei Township in Tanintharyi Region, migrant workers were unable to afford to rent accommodation in the area and, as a result, had constructed housing beside the Dawei Airport. The workers living there explained that the housing is made of bamboo and is often damaged during monsoon season. The workers also live in constant fear that they will be forced to leave and face occasional demands to undertake labour at the airport in order to continue living there.¹¹⁰

109 Key informant interview in South Dagon, April 2015, and related photographs and video on file with ILO.

110 Focus group discussion in Dawei, April 2015.

5.3 Analysing human trafficking and forced labour in Myanmar

This section analyses the way in which forced labour and trafficking for forced labour occurs in Myanmar, based on the survey findings. As described in Chapter 3, a national set of indicators of forced labour and trafficking for forced labour was developed in consultation with local partners and in accordance with international and Myanmar law. Conceptually, these indicators are the “building blocks” of forced labour and trafficking for forced labour. Questionnaires were then designed to identify specific recruitment and work experiences in which these indicators had been met. Certain combinations of indicators within a particular recruitment and working experience could then be singled out to represent situations of forced labour and situations of trafficking for forced labour.

Because each of these indicators relates to forms of ‘involuntariness’ or ‘coercion’ in recruitment or in work, their prevalence also demonstrates important patterns of abuse and exploitation of internal labour migrants generally. Therefore, this section begins by analysing the rates of occurrence of each indicator across all respondents, without specific reference to where these combined to form cases of forced labour or trafficking for forced labour.

Section 5.3.2 follows with an overview of the total number of cases of respondents in a situation of forced labour and in a situation of trafficking for forced labour and how they were quantified. Section 5.3.3 then provides detailed cases studies of migrant workers in situations amounting to trafficking for forced labour, with reference to the indicators that these cases met. Section 5.3.4 describes the characteristics of respondents in situations of forced labour and trafficking for forced labour, compared with other respondents, and identifies a number of statistically significant determinants of forced labour and trafficking.

5.3.1 Indicators of exploitation among all respondents

Internal labour migrants interviewed for this study experienced a range of abuses during their recruitment and employment. Workers’ rights are often violated, as laws related to hours, wages and occupational health and safety are not enforced, and living conditions are insecure. Beyond these most common forms of abuse, the analysis of indicators of ‘involuntariness’ and ‘coercion’ points to notable patterns of more complex forms of exploitation at various stages of recruitment and employment. This section highlights the prevalence of these indicators among all respondents before the subsequent section groups them together into cases of forced labour and trafficking.

As described in Chapter 3, three dimensions of forced labour and trafficking were used for the analysis in this study: ‘unfree recruitment’, ‘work and life under duress’ and the ‘impossibility of leaving an employer’.¹¹¹ Within each of these three dimensions, workers might experience forms of ‘involuntariness’, forms of ‘coercion’ or both.¹¹² Table 21 displays how many respondents came up positive for indicators in each of these five categories. Indicators of ‘work or life under duress’ – ‘involuntariness’ were the most prevalent among survey respondents.¹¹³

111 This framework was presented in ILO: *Hard to see, harder to count*, June 2012, and is described in detail in Chapter 3.

112 See Table 1 in Chapter 3 for the set of indicators of forced labour and trafficking relevant in the Myanmar context.

113 This is mostly due to the large number of workers who are forced to work without breaks or while sick and injured, which amounted to 3,300 workers, and those that face different types of movement restrictions, which totalled 2,077 workers.

Table 21. Prevalence of all indicators of forced labour and human trafficking among all respondents (n=7,295)

Unfree recruitment				Work or life under duress		Work or life under duress and impossibility of leaving an employer		Impossibility of leaving an employer	
Involuntariness		Coercion		Involuntariness		Coercion		Involuntariness	
A*		B		C		D& F		E	
#	%	#	%	#	%	#	%	#	%
1 046	14%	867	12%	4 359	60%	2 215	30%	976	13%

Note *= The letters correspond with the analysis framework designed for the study (see Figure 1 and Table 1).

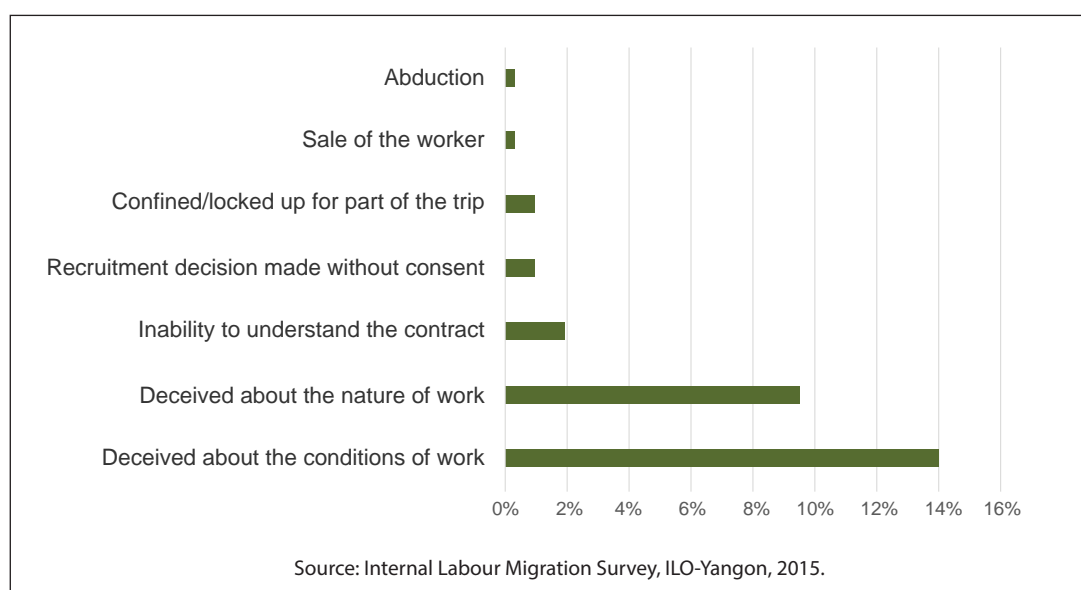
Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

The indicators are analysed in the following four subsections: (i) indicators of involuntary recruitment conditions; (ii) indicators of coercive recruitment conditions; (iii) indicators of involuntary working and living conditions; and (iv) indicators of coercive working and living conditions. While the first two of these categories relate to the 'unfree recruitment' dimension of forced labour, the third and fourth relate to both 'work and life under duress' and 'impossibility of leaving an employer'.

i. Indicators of involuntary recruitment conditions

The category of 'unfree recruitment' – 'involuntariness' covers cases of deceptive and forced recruitment. Deceptive recruitment refers to when a person is recruited using false promises or assurances related to the nature or conditions of the work. This represents 'involuntariness' insofar as had the worker been aware of the actual nature or conditions of the work, they might not have accepted the job offer. Forced recruitment refers to instances in which particular constraints were applied that forced the person to take the job against their will.¹¹⁴

Figure 4. Prevalence of indicators of involuntary recruitment conditions among all respondents (n=7,295)



114 Poverty and the related need of a family for an income are not recognized as indicative of force.

Deceived about the nature or conditions of work

Of the 7,295 migrants interviewed, 1,086 (15 per cent) were deceived about the conditions of work, which was framed in the questionnaire in terms of wages, hours of work, housing conditions, migration arrangements, leave time and other similar issues. Overall, 698 respondents (10 per cent) were deceived about the nature of work, which was said to include the industry, occupation, employer and/or job location. In one example, two recruiters promised a number of local villagers certain wages for work on a farm owned by a third party. These wages were never paid, and the recruiters were seen receiving money from a farm owner. As one worker explained:

*"The husband and wife [the recruiters] informed the villagers they would work as farmers in the paddy field and get paid MMK40,000 plus a certain amount of rice per acre and that accommodation would be provided. ... We worked on the farms, but no wages were received. However, they saw the recruiter settle the charges and rice with the farm owners as promised."*¹¹⁵

In another case, a group of workers were misinformed about the specific occupation and arrangements for travel costs before taking work on a rubber plantation. As an acquaintance of one of the workers described:

*"They were persuaded to take the job by being promised MMK4,500 per day, but actually they received MMK1,500, MMK1,800, MMK2,000 or MMK3,000 per day. They were taken there on the promise to plant rubber trees and spray pesticide, but they had to clear the forest for cultivation with difficulty. They were told they did not need to pay for the transportation costs, but MMK50,000 was added to each worker's debt list for transportation costs."*¹¹⁶

All of the cases of deception documented began with a promise made in a verbal agreement (by a recruiter or employer) or in a written contract with the employer. In all cases, agreements were made prior to the start of employment, either in the origin area or upon destination in the area of the job, which the migrants then indicated were subsequently "worse than promised". As can be seen in Tables 22 and 23, workers were most commonly deceived about the hours of work, the specific tasks to be performed and the wage amount.

Table 22. Workers deceived about the nature of work (n=698)

Deceived about	Number of workers deceived	% of all workers deceived about the nature of work (n=698)	% of all respondents (n=7 295)
Occupation or specific tasks	509	73%	7%
General industry	340	49%	5%
Job location	256	37%	4%
Employer	142	20%	2%

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

¹¹⁵ Workers on a farm in Mon State, 2013. For the full case study, see section 5.3.3.

¹¹⁶ Acquaintance of workers on a rubber plantation in Tanintharyi Region, 2013. For the full case study, see section 5.3.3.

Table 23. Workers deceived about conditions of work (n=1,086)

Deceived about	Number of workers deceived	% of all workers deceived about the conditions of work (n=1 086)	% of all respondents (n=7 295)
Wage amount	438	40%	6%
Wage paid self or other	122	11%	2%
Payment interval	376	35%	5%
Hours of work	584	54%	8%
Overtime pay	243	22%	3%
Housing or living conditions	163	15%	2%
Travel or migration conditions	75	7%	1%
Length of employment	180	17%	3%
Time off for personal reasons	140	13%	2%
Sick leave	109	10%	2%
Compensation for job-related accidents or illness	172	16%	2%
Free food supply as a benefit	94	9%	1%
System of paying off debt	35	3%	1%

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Inability to understand the contract

Of the 495 respondents who had a written contract with their employer, 174 respondents could not fully understand their contract. These respondents explained that they had never had a chance to read it (81 respondents); did not have enough time to read it (59); it contained words or terms they did not understand (28); or because it was not written in their mother-tongue language (6). This indicates that a small percentage of workers have a written contract, and many of those who do have a written contract, do not fully understand the conditions that they have agreed to.

Recruitment decision made without consent

Only 82 respondents (1 per cent) said that the decision to accept the job offer had been made by someone other than themselves without their consent: their parents or guardian (58 respondents), spouse or partner (9), siblings (7), another relative (9), the recruiter (7), a friend (3) or the employer (1).¹¹⁷

Confined or locked up during migration, abduction or sale of the worker

A small number of workers were recruited by being confined or locked up during the migration journey (52 respondents), being abducted (19) or overtly sold as workers (26), all of which represent more blatant forms of involuntariness, compared with the previously discussed, more subtle forms. As one fisherman who worked in Ayeyarwady Region described:

*"We were offered jobs on a fishing boat for MMK100,000 per month by the son of a man we knew. Once we were on the boat, the "head of the boat" informed the workers that his salary was only MMK30,000 and that we would be paid MMK25,000 per month. He informed us that we had been sold."*¹¹⁸

The cousin of a missing girl from Yangon explained how a recruiter had lied to the girl's family. It is suspected that the recruiter abducts girls, takes them to Yangon for work and informs their families that they ran away:

117 As these answers are from a multiple-answer question, they amount to more than 82.

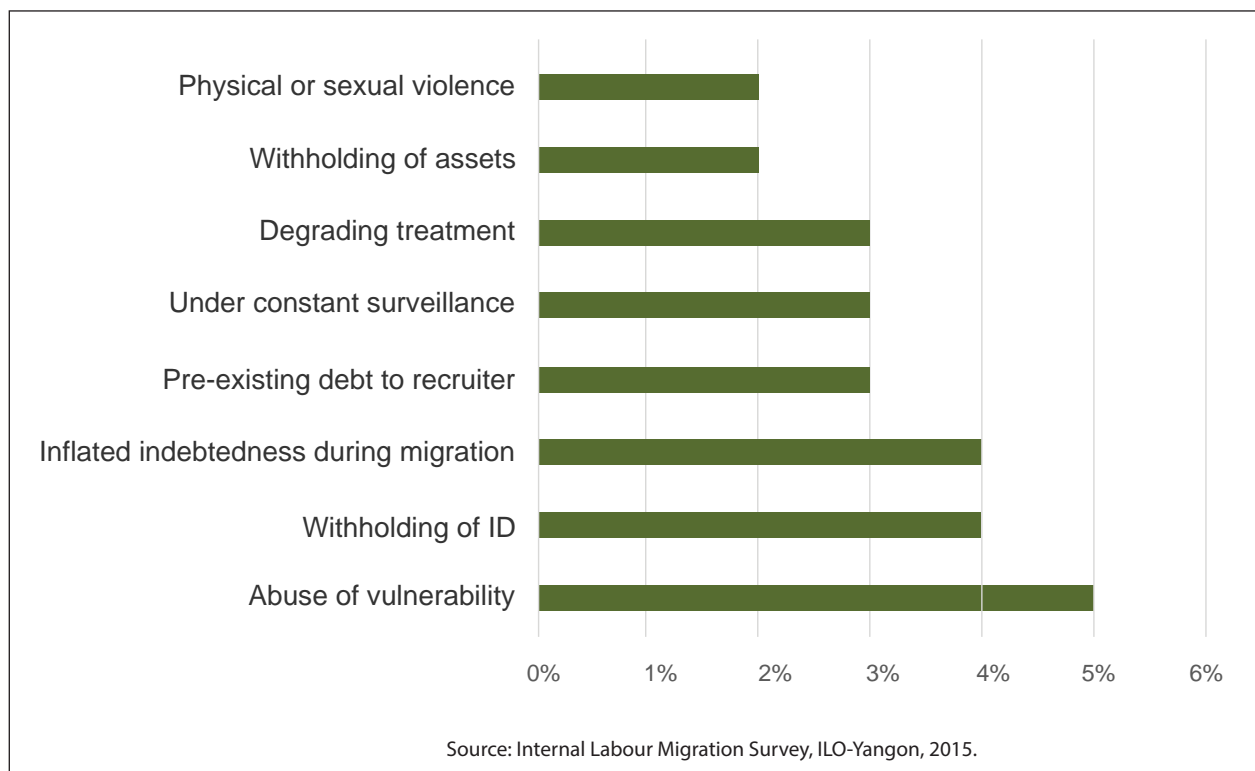
118 Workers on a fishing boat in Ayeyarwady Region, 2013. For the full case study, see section 5.3.3.

*"The pwe sar informed the family that the victim had run away. ... He is now hiding himself and threatened the family that if they lodge a complaint with the police it will cost them MMK200,000 or MMK300,000. This pwe sar takes girls to Yangon. Once he took a different girl, but he also said she ran away."*¹¹⁹

ii. Indicators of coercive recruitment conditions

The category of 'unfree recruitment' – 'coercion' includes strategies used by recruiters (*pwe sar* and informal recruiters), employers or their affiliates to make it difficult or impossible for an individual to refuse a recruitment offer. These measures may be applied before or during a migration journey, upon arrival in the destination area or at the time of offering the job. The coercive measures may be actual actions or threats to undertake certain actions.

Figure 5. Prevalence of indicators of coercive recruitment conditions among all respondents (n=7,295)



Penalties and threats at the time of recruitment

At the time of the recruitment offer, the following threats of violence were used by recruiters, employers or other individuals to prevent respondents from refusing the offer: physical violence (56 respondents), sexual violence (4) and physical harm to family members (5).

Recruiters or employers also engaged in tactics that exploited the vulnerability of workers to get them to accept the job. Respondents stated that if they refused the job offer, their employer or recruiter would have: reported them to authorities (140 respondents); excluded them from future employment opportunities (198); somehow brought harm to a family member's reputation (16); excluded them somehow from their community (9); or experienced harm to their religious standing in the community (2). In one case, an employer threatened the family with legal action should they refuse the recruitment offer. Unaware of the law, the family signed out of fear, according to the father:

¹¹⁹ As reported by the cousin of the missing girl in Yangon, 2013. Case study on file with ILO.

"When we were at the employer's house, the employer said my daughter had to work for four years. She [the employer] told us to sign a contract and threatened that, if we did not sign, we would be prosecuted. Thus, in fear, we signed the contract."¹²⁰

Some 194 respondents (3 per cent) indicated that they had a pre-existing debt to the recruiter, which had placed pressure on them to take the job.¹²¹ In 105 cases, the recruiter threatened to confiscate the respondents' identification card should they refuse the recruitment offer. Respondents were also threatened with withholding of assets (47) and confiscation of land or property (9).

Penalties and threats during migration

During the migration journey, individuals acting as recruiters, transporters and in other roles used a range of tactics to make it difficult for the migrant to refuse the job offer. These included actual or threats of physical violence, sexual violence or physical harm to family members (111 respondents); forms of degrading treatment, including deprivation of food, water or sleep; inappropriate physical or sexual touching; insult and embarrassment regarding intelligence or physical appearance (182); confiscation of identification or threat of confiscation (205); or were placed under constant surveillance throughout the migration journey (186).

A total of 257 respondents (4 per cent) reported that their debt was increased without their consent during the migration journey.

iii. Indicators of involuntary working and living conditions

This and the following section breaks down the indicators of 'work or life under duress' and 'impossibility of leaving an employer' dimensions of forced labour and trafficking that were introduced in Chapter 3.

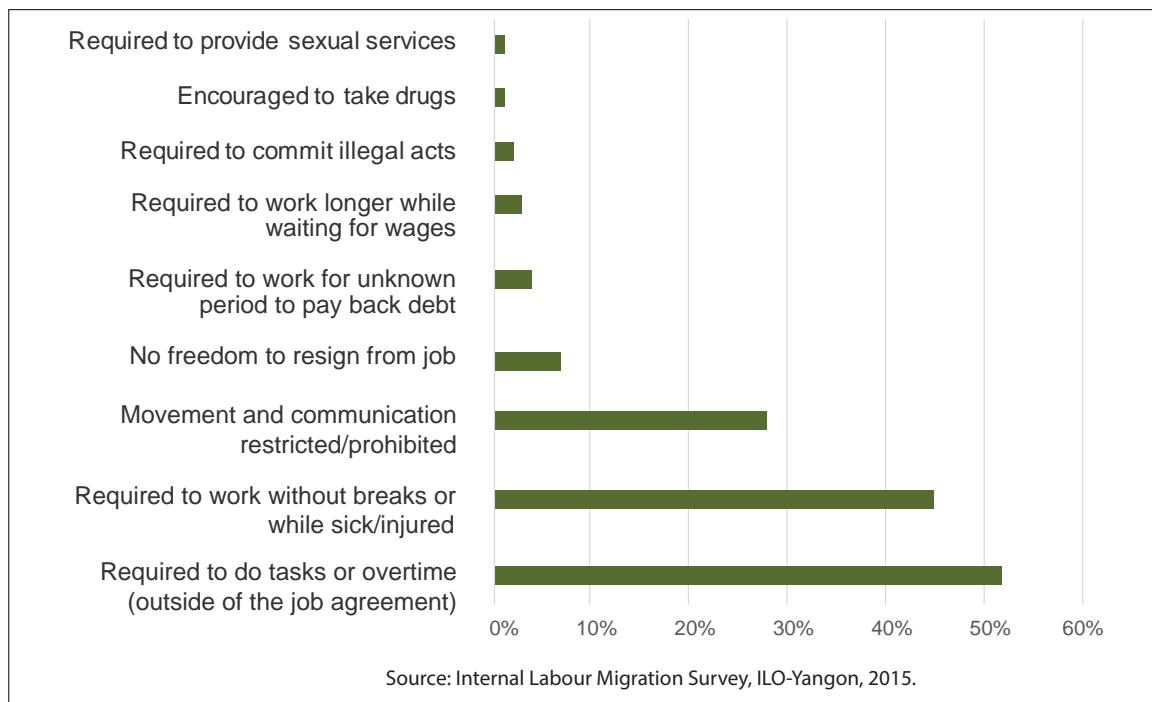
The category of 'work or life under duress' covers adverse working or living situations imposed on a person by use of force or through the use of some kind of penalty or threat of a penalty. This may include excessive volume of work or tasks that are beyond what a person can be reasonably expected to do or situations in which degrading living conditions or limitations on freedom of movement and communication are imposed on the worker by the employer. The category of 'impossibility of leaving an employer' includes situations in which aspects of the contract or particular financial arrangements prevent the worker from leaving the job at will.

Figure 6 displays the various forms of 'involuntariness' experienced by workers during their period of employment that relate to the 'work or life under duress' and 'impossibility of leaving an employer' aspects of forced labour and trafficking.

¹²⁰ Father of a domestic worker in Yangon, 2014. Case study on file with ILO.

¹²¹ While it was not recorded, it is likely the migrants felt this pressure to either avoid incurring additional debt or to pay off the existing debt.

Figure 6. Prevalence of indicators of involuntary working and living conditions among all respondents (n=7,295)



Work and life under duress – involuntariness

A total of 3,318 respondents (52 per cent of the total) were required to carry out work or tasks beyond what they considered their assigned occupation. These experiences included being required to work overtime (1,586 respondents); not paid at a higher rate for overtime work (1,197); work at random times when the employer wants without consent (3,191); and work for the employer's family or associates without consent (1,726).¹²²

Some 3,300 respondents (45 per cent) said that they were required to work without breaks or while sick or injured. Specifically, 3,012 respondents stated that they were not allowed to take any leave time per month, 232 respondents reported that they were not allowed to take any breaks during the work day and 523 respondents stated that they were not permitted to take off time when they were sick or injured.¹²³

A total of 2,077 respondents (29 per cent) lived with a range of movement and communication restrictions; Table 24 displays the forms these restrictions took.

¹²² The numbers do not total 3,818 because some respondents experienced more than one of the four abuses.

¹²³ The numbers do not total 3,300 because some respondents experienced more than one of the three abuses.

Table 24. Forms of movement and communication restrictions imposed on workers by employers (n=2,077)

Type of restriction	Number of workers who experienced the restriction*	% of total respondents n=7 295
Leave living quarters outside working hours		
Never	624	9%
Sometimes, but only with employer permission	440	6%
Contact family members by phone		
Never	160	2%
Sometimes, but only with employer permission	107	2%
Have family members visit		
Never	526	7%
Sometimes, but only with employer permission	184	3%
Leave to visit family		
Never	614	8%
Sometimes, but only with employer permission	361	5%
Cannot ask employer to be moved to another place of living due to a serious problem		
Yes	1 062	16%

Note *= Multiple-response question.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

As one woman who was blocked from meeting her husband while he was at work described:

*"I learned that my husband was forced to work. There was a storm and I went to Pyapon to inquire about his condition. I talked to the owners of the fishing boat and requested to talk to him, but I was not allowed."*¹²⁴

A total of 123 respondents (2 per cent of the total) stated that they were required to commit acts that they thought might be illegal.¹²⁵ Some 99 respondents (1 per cent) were encouraged to take mentally or physically altering substances, such as methamphetamines or opium, while 56 respondents (less than 1 per cent) were required to provide sexual services to employers or their associates.

Impossibility of leaving an employer – involuntariness

A total of 500 respondents (7 per cent of total) indicated that they had no freedom to resign from their job in accordance with the employment agreement. A total of 283 (4 per cent of total) were required to work for an indeterminate period of time to pay an outstanding debt or an advanced wage, which amounts to debt bondage.¹²⁶ Some 218 respondents (3 per cent) stated they had to work longer than agreed while waiting for their wages.

As described by one worker among a group that had agreed to work in road construction in one area but had been taken to work on a quarry site in another area instead:

¹²⁴ Wife of a fisherman working on a boat in Ayeyarwady Region, 2013. The full case study is on file with ILO.

¹²⁵ These acts were not specified.

¹²⁶ Debt bondage is a form of forced labour according to both Myanmar and international law. However, to be uniform with other indicators in this survey, it represents only an indicator of 'involuntariness' and amounts to forced labour when coupled with an indicator of 'coercion'.

"We were hired for road construction in Nay Pyi Taw, but we were actually taken to a quarry site in Sagaing Region ... We had to work under a warrant officer, a sergeant and a lance corporal. When we told [these Tatmadaw personnel] that we wanted to go home at the end of the month, we were told that we were not allowed to go home until the work was finished and that this could be a year-long job of doing land levelling and excavation."¹²⁷

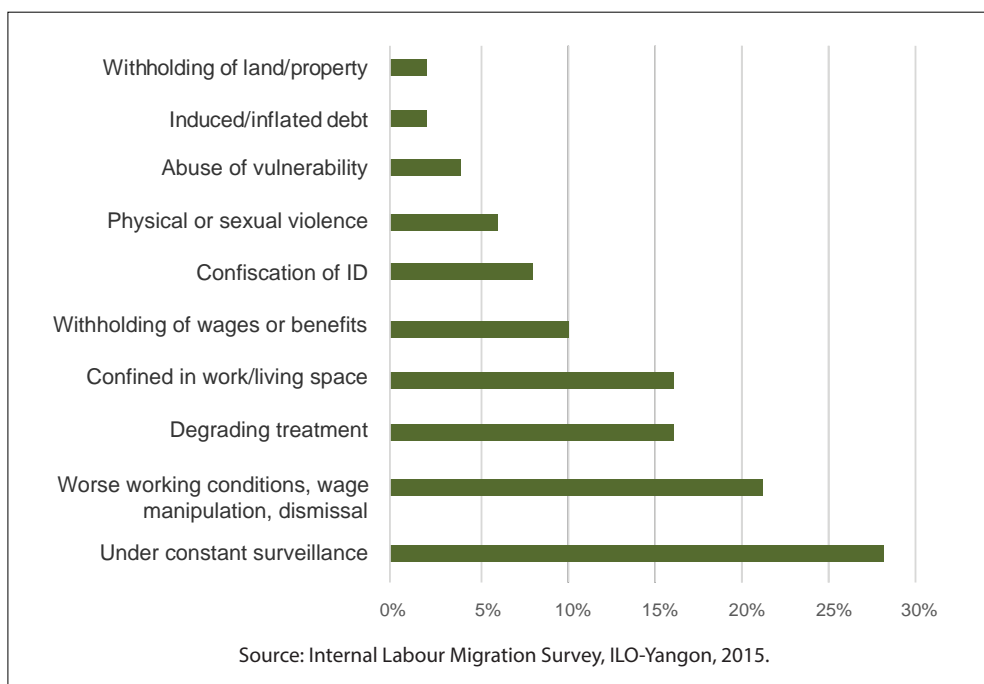
In another case, the mothers of a group of fishermen were informed that their sons were not permitted to end their jobs. According to one of the mothers:

"They [fishermen] were taken by a pwe sar and we [mothers of fishermen] did not receive any contact from our sons [within three months]. We met the owner of the fishery sales centre. According to her [the owner's] words, she received the workers through a pwe sar. They were all sent to the sea for fishery. She told us that they are not allowed to take back our sons, that she could not tell us about the salary and that we could lodge a complaint wherever we wanted."¹²⁸

iv. Indicators of coercive working and living conditions

Employers and other managerial staff in workplaces used a range of threats and penalties to make it difficult or impossible for workers to leave their jobs. All of these cases relate to two dimensions of forced labour and trafficking: the 'work or life under duress' and the 'impossibility of leaving an employer'. Figure 7 displays the main forms of 'coercion' that were experienced while respondents were working.

Figure 7. Prevalence of indicators of coercive working and living conditions among all respondents (n=7,295)



As many as 2,078 respondents (29 per cent of the total) reported being under constant surveillance. Specifically, they reported situations in which the employer was constantly watching them while working (1,602 respondents), constantly watching them in their living quarters (834) or being watched carefully while traveling between living quarters and place of work (400).

¹²⁷ Workers in a quarry site in Sagaing Region, 2014. For the full case study, see section 5.3.3.

¹²⁸ Mother of a fisherman in Ayeyarwady Region, 2013. For the full case study, see section 5.3.3.

Employers arbitrarily manipulated salaries and working conditions. These forms of abuse were experienced by 1,496 respondents (21 per cent of the total). These acts included imposing worse working conditions or threatening to do so (924 respondents); requiring extra work for breaking a rule or threatening to do so (479); making deductions from workers' salaries for breaking rules or threatening to do so (801); deducting salaries without explanation or threatening to do so (378); or threatening to dismiss workers without reason (39).

Some 1,147 respondents (16 per cent) explained that their employers had used degrading or embarrassing tactics, such as isolation or threatening to isolate the worker (271 respondents); deprivation of food, water or sleep or a threatening to do so (253); inappropriate physical or sexual touching (97); insult or embarrassment regarding physical appearance or intelligence (740); or accusing workers of committing acts they did not do (424). As the parent of a domestic worker in Yangon explained of her child:

*"She was locked in a room for four days. On the first day, she was given no food and no water. On the following days, she was given a plate of rice and chicken bones that is usually given to the dogs and one bottle of water for one whole day."*¹²⁹

Employers also imposed a range of restrictions on workers' freedom of movement. A total of 1,312 respondents (16 per cent) reported having been confined to the place of work or to their place of living or faced threats of confinement.

A total of 739 respondents (10 per cent) stated that their employers had withheld or threatened to withhold wages and promised benefits, such as food. Some 130 respondents (2 per cent) stated that their employers withheld or confiscated land or property that belonged to them.

A total of 619 respondents (9 per cent) had their identification cards confiscated or were threatened with such confiscation by recruiters, employers or other individuals. As one such worker explained:

*"The recruiter informed us that our ID cards were kept with the village head man and that an additional MMK10,000 would be necessary to get them back, and without the ID card, we could not go home."*¹³⁰

A total of 442 respondents (6 per cent) experienced actual or threats of physical violence, sexual violence or the physical harming of family members. These issues are quantified in Table 25.¹³¹

129 Parent of a child domestic worker in Yangon, 2013. For the full case study, see section 5.3.3.

130 Migrant workers on a farm in Mon State, 2013. For the full case study, see section 5.3.3.

131 The numbers in the table amount to more than 442 because some respondents faced more than one issue.

Table 25. Prevalence of physical and sexual violence and threats of violence among all respondents (n=442)

Form of violence	# respondents*
Physical violence	
Threatened	239
Actually happened to me	209
Sexual violence	
Threatened	34
Actually happened to me	29
Physically harming family members	
Threatened	30
Actually happened to me	20

Note *= Multiple-response question.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

One fisherman described a case of physical violence on a fishing boat in Ayeyarwady Region:

*"When someone was ill and could not work, they would be put under the sunlight without food. When someone was asked if he could swim and he replied that he couldn't, a rope was tied to his waist and he was kicked into the water and tortured by [the other person] waving the rope. The victims were forced to work by being beaten with pieces of wood and were given broken-rice porridge mixed with watercress shoots [to eat]."*¹³²

Some 275 respondents (4 per cent) reported that their employers and managers had used tactics that preyed on the vulnerability of workers: 192 respondents stated that the employer reported them to authorities or threatened to do so; 101 respondents said that the employer harmed their family member's reputation or threatened to do so; 43 respondents said that the employer excluded them in some way from community or social life or threatened to do so; and 31 respondents said that the employer harmed their religious standing in the community or threatened to do so.¹³³

Some 134 respondents (2 per cent) were forced to go into debt to their employer without their consent at the beginning of employment or had their debt increased over time without their consent. According to a fisherman in Ayeyarwady Region:

*"When I asked for my salary [from the employer], he told me that the pwe sar had already taken my wages and he did not have to give me any money. I asked him why he had given all my wages to the pwe sar without my knowledge. At this point he slapped me for retorting to him. I gave him a look straight in the face, and because of this he and four other men punched me in my face, kicked me and hit me with rods."*¹³⁴

A total of 130 respondents (2 per cent) had their property or land withheld or confiscated by their employer or other individual as a tactic to keep the worker in the job. The prevalence of such issues is shown in Table 26.¹³⁵

¹³² Migrant worker on a fishing boat in Ayeyarwady, 2013. For the full case study, see section 5.3.3.

¹³³ The numbers do not amount to 275 because some workers faced multiple types of abuse or vulnerability.

¹³⁴ Worker on a fishing boat in Ayeyarwady, 2013. For the full case study, see section 5.3.3.

¹³⁵ The numbers in the table amount to more than 130 because some respondents experienced more than one issue.

Table 26. Prevalence of withholding or confiscation of property and confiscation of land (n=130)

Form of abuse	# respondents
Withholding of property (house, jewellery)	
<i>Threatened</i>	21
<i>Actually happened to me</i>	77
Confiscation of property	
<i>Threatened</i>	16
<i>Actually happened to me</i>	37
Confiscation of land	
<i>Threatened</i>	9
<i>Actually happened to me</i>	10

Note *= Multiple-response question.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

5.3.2 Quantifying cases of trafficking and forced labour

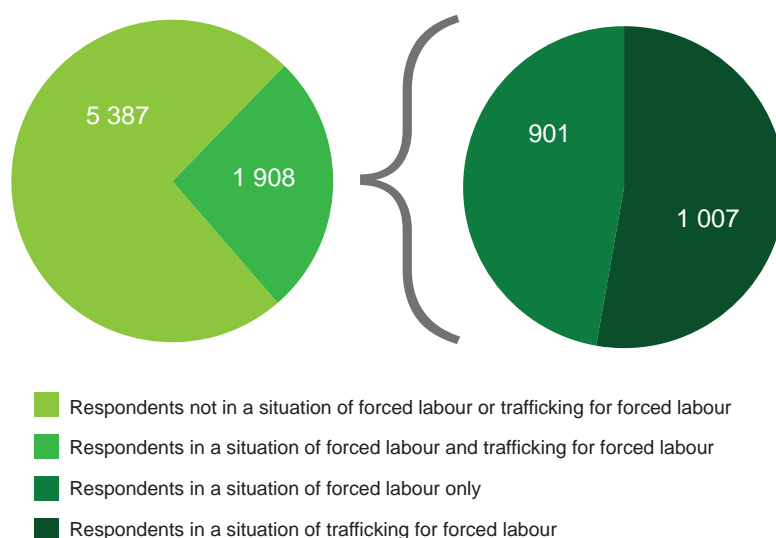
Of the 7,295 interviews conducted, 1,908 respondents (26 per cent) were found to be in a situation of forced labour, and 1,007 respondents (14 per cent) were found to be in a situation of trafficking for forced labour.

There was no difference between the rates of forced labour and trafficking among male and female respondents: 26 per cent of male respondents and 26 per cent of female respondents were in a situation of forced labour, and 14 per cent of male respondents and 14 per cent of female respondents were in a situation of trafficking for forced labour.

These cases were determined in line with the conceptual and analysis framework laid out in Chapter 3, which was designed so that when certain combinations of indicators were met by individual respondents, a situation of forced labour or trafficking for forced labour would be logged.

This analysis framework ensures that all cases of trafficking for forced labour are logged as such and are also logged as cases of forced labour. This is because the trafficking for forced labour group needed to exhibit indicators of exploitation during the recruitment process, in addition to those necessary to meet the conditions for forced labour. As shown in Figure 8, all of the 1,007 respondents found to have been in a situation of trafficking for forced labour had also met the requirements for forced labour and so are in both categories. A total of 901 respondents were only in a situation of forced labour.

Of the total 7,295 respondents, 5,387 respondents (74 per cent) did not meet the conditions for forced labour or trafficking for forced labour. This group may have exhibited some of the indicators of forced labour or trafficking for forced labour but did not exhibit the necessary combination of indicators to meet the legal definition.

Figure 8. Overlap in forced labour and trafficking for forced labour cases (n=7,295)

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

The great majority of respondents in forced labour exceeded the minimum threshold of one indicator of 'involuntariness' and one indicator of 'coercion'. Similarly, the majority of respondents in trafficking for forced labour mostly exceeded the minimum threshold of three indicators needed. As shown in Table 27, 98 per cent, or 1,873 of the 1,908 respondents in forced labour, exhibited three or more indicators of forced labour; 99 per cent, or 1,000 of the 1,007 respondents in trafficking for forced labour, exhibited four or more indicators. Given the large number of indicators of exploitation reported by the respondents, the overall estimate of 1,908 respondents in a situation of forced labour and 1,007 respondents in a situation of trafficking for forced labour should be viewed as a minimum estimate.

Table 27. Number of indicators exhibited by respondents in situations of forced labour and trafficking (n=7,295)

# of indicators	Respondents in forced labour	Respondents in trafficking for forced labour
0	0	0
1	0	0
2	35	0
3	81	7
4	187	31
5	259	64
6	238	80
7	201	105
8	204	124
9	170	114
10	115	101
11	102	82
12 or more	316	299
Total	1 908	1 007

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

5.3.3 'Trafficking for forced labour' case studies

To provide context to these documented cases, this section contains summaries of six cases of internal trafficking for forced labour received through the ILO Forced Labour Complaints Mechanism. The incidents took place during the survey reporting period of January 2013 to April 2015.¹³⁶ The following summaries also display the relevant indicators of forced labour and trafficking put forth in Chapter 3.

Case study 1: Trafficking for forced labour in agriculture, Mon State

In 2013, eight people from Bago Region were persuaded by a mutual relative to take a job in Mon State as farmers on a rice paddy field. The relative informed them the salary would be MMK40,000 (\$31) per month, plus four *pyi* of rice per acre of cultivated land and that accommodation would be provided. The eight people accepted the conditions, although no contract was signed. The relative lent each person MMK10,000 (\$8) with a MMK1,500 (\$1) surcharge. After arriving on the farm in Mon State, their Citizenship Scrutiny Cards (CSC) were taken by the village headman. They worked between two and six days on different farms but received no wages or benefits. They witnessed their relative settle the charges with the farm owners, who took their wages and the rice they were owed. The workers informed the relative that they wanted to go home, after which they were told that they could do so but would have to pay MMK15,000 (\$12) and travel costs, plus meal costs for ten working days and nine days off, amounting to MMK33,000 (\$26). To obtain their CSCs, they would need to pay an additional MMK10,000 (\$8).¹³⁷

Indicators met by this case:

- ✓ **Deception about the conditions of work**
- ✓ **Withholding of wages and benefits**
- ✓ **Imposition of financial penalties**
- ✓ **Retention of identification**

Case study 2: Trafficking for forced labour on rubber plantations, Tanintharyi Region

In 2013, a *pwe sar* in Ayeyarwady Region informed approximately 100 villagers about jobs on a rubber plantation in Tanintharyi Region. The nature and conditions of work were described as follows: planting rubber trees and spraying pesticide at MMK4,500 (\$4) per day for men and MMK3,500 (\$3) for women, with transportation and meal costs covered. The *pwe sar* loaned some of the migrants between MMK30,000 (\$24) and MMK50,000 (\$39), and 108 workers were transported in two buses. In reality, the workers were paid between MMK1,500 (\$1) and MMK3,000 (\$2) per day, were required to clear the forest for cultivation and had MMK50,000 (\$39) added to a debt list for the transportation to the plantation, leaving most workers with between MMK80,000 (\$63) and MMK100,000 (\$79) worth of debt. They were provided with poor housing, of which one worker explained: "The structure would fall if four to five people sat inside." Drinking water was limited, and the area was guarded by armed security guards. The workers were unable to communicate with their families and were ultimately required to sign a one-year contract. When the families attempted to secure their release, they were required to pay between MMK150,000 (\$118) and MMK170,000 (\$134) to the *pwe sar* in exchange for the workers' release.¹³⁸

Indicators met by this case:

- ✓ **Deception about the nature and conditions of work**
- ✓ **Induced or inflated indebtedness during migration**
- ✓ **Threat of physical violence**
- ✓ **Freedom of movement and communication prohibited**

¹³⁶ Details of location beyond the township level are not included to ensure anonymity. ILO internal case numbers are censored, but the received date is included for referencing purposes.

¹³⁷ ILO Forced Labour Complaints Mechanism, Case #---, received 3 Oct. 2013.

¹³⁸ ILO Forced Labour Complaints Mechanism, Case #---, received 25 Oct. 2013.

Case study 3: Trafficking for forced labour in fishing, Ayeyarwady Region

In 2013, 40 migrants were offered jobs on a fishing boat in Pyapon Township in Ayeyarwady Region by the son of a man known by the migrants, who was from the same ward in Bago Region. The son offered them a monthly wage of MMK100,000 (\$79) per person and claimed his father was already working there, that the conditions were good, that they could earn a lot of money and that they could return home at any time. Upon arrival in Pyapon, some of the workers requested to meet the employer but were denied permission to do so by the man and his father, who again reassured them of the MMK100,000 (\$79) per month salary. Once on the boat, they met with the “head of the boat” who informed the workers that his salary was only MMK30,000 (\$24) and thus they would be paid MMK25,000 (\$20) per month. The head of the boat informed them they had been sold. According to one of the workers, “When someone was ill and could not work, they would be put under the sunlight without food. When someone was asked if he could swim and he replied he couldn’t, a rope was tied at his waist, and he was kicked into the water and tormented by waving the rope. The victims were forced to work by beating them with a piece of wood and were given broken-rice [poor quality] porridge mixed with watercress shoots [to eat]”. The family members of the fishermen tried to contact them but were told by the employer that they could leave a message and he would relay it to them. The employer claimed that he had given the full salaries (MMK100,000) to the *pwe sar* (the man and his father) to give to the workers, but one wife claimed that only MMK55,000 (\$43) was received. The employer told her to settle it with the *pwe sar* because he had given the full amount. After a storm, the families worried and called the *pwe sar* who then threatened: “I can make all your husbands dead or alive just by making a phone call as their lives are in my hands. Do you want to be widows? Your husbands’ lives are not worth as much as a rope on the boat. If they are pushed into the water and registered in the death list, they are worth only 500,000 kyats.”¹³⁹

Indicators met by this case:

- ✓ **Sale of the worker**
- ✓ **Physical violence and threats**
- ✓ **Degrading treatment**
- ✓ **Deception about the conditions of work**
- ✓ **Freedom of communication and movement prohibited**
- ✓ **Wage manipulation**
- ✓ **No freedom to resign from the job in accordance with original agreement**

Case study 4: Trafficking for forced labour in mining and forestry, Sagaing Region

In 2014, a man described as the “head of the workers” on a road construction site in Nay Pyi Taw informed prospective migrants of job opportunities for which the salary would be MMK5,000 (\$4) per day for men and MMK4,000 (\$3) for women, plus daily food. Twenty people agreed to go (14 men and six women), who were all related to one another. The head of the workers presented them with bus tickets to Monwya in Sagaing Region, and although this destination was different from what had initially been agreed, they decided to continue in pursuit of work. After arriving in Monwya, they were then taken on a boat in the river for two nights. The workers became concerned but had no money with which to return home. Upon arrival, they learned that they would work in a quarry and be required to clear areas of a jungle together with soldiers. Women were unable to work due to the difficulty of the tasks but had to remain there, incurring living costs. At the end of the first month, the workers asked the head of the workers if they could go home but were informed they could not leave until the work was done, which entailed a year-long job of land-levelling and excavation. The workers explained the weather was bad and they did not have proper clothing for such work.¹⁴⁰

139 ILO Forced Labour Complaints Mechanism, Case #----, received 13 Dec. 2013.

140 ILO Forced Labour Complaints Mechanism, Case #----, received 20 Feb. 2014.

Indicators met by this case:

- ✓ **Deception about the nature and conditions of work**
- ✓ **No freedom to resign from the job in accordance with original agreement**
- ✓ **Freedom of movement and communication prohibited**

Case study 5: Trafficking for forced labour in fishing, Mon State

In 2013, a man who had graduated from university as a mechanical engineer met a *pwe sar* at a tea shop in Ayeyarwady Region. The *pwe sar* offered him a job as a machine operator on a fishing boat off the coast of Mon State with a monthly salary of MMK120,000 (\$94). The engineer accepted the offer. The *pwe sar* transported him to the local bus station, where they met with three other men and a 13-year-old boy, whom the engineer and the *pwe sar* travelled with. Upon arrival in Mon State, they were taken to the home of the employers (a married couple), where the engineer witnessed the *pwe sar* take MMK150,000 (\$118) in exchange for the 13-year-old boy. Once on the ship, he met with 53 fishermen and five crew members and learned that they planned to stay at sea for six months at a time but would come back to shore once per month. Ten of the fisherman expressed that they did not want to work anymore because of difficulties living at sea. They asked the engineer to assist them in returning to their families. The engineer suspected that these men had been sold into the business and explained how he had witnessed that they were made to work 20 hours per day, paid MMK35,000 (\$28) per month and were beaten and forced to work by the head of the ship when they were too tired to continue working. The engineer worked on the boat for two months and, when the boat docked at shore, requested his salary from the employer, who informed him that it had already been given to the *pwe sar*. After asking why the employer would give his wages to the *pwe sar* without his knowledge, the employer “slapped him in the face and four men punched him in the face, kicked him and hit him with rods”. The engineer fled and received help from a passer-by.¹⁴¹

Indicators met by this case:

- ✓ **Sale of the worker**
- ✓ **Physical violence**
- ✓ **Retention of wages**
- ✓ **Deception about the conditions of work**
- ✓ **Freedom of movement and communication prohibited**

Case study 6: Trafficking for forced labour in domestic work, Yangon Region

In 2013, a 14-year-old girl from Yangon Region was sent to work as a domestic worker in a different township. The 14-year-old girl's older sister was already working for a different household of the same family. The man of the older sister's household explained that the salary would be MMK25,000 (\$20) per month, with six months paid in advance. The parents received the initial MMK150,000 (\$118) but were not given the address of the employer. Upon arrival, the girl found out that she would have to work from 6 a.m. to 11 a.m., after which she could eat her first meal of the day. She was then required to work from 12 p.m. to 11 p.m. before being allowed to eat again and then going to bed. Her duties were to clean the house, water the garden, cook, hand wash and iron clothes and feed eight dogs. The couple verbally abused her, saying she was “too slow, lazy and stupid”. The female head of the house became violent towards the girl, once yelling at her for taking too long to wash her own hair and then cutting off chunks of her hair. When the girl attempted to shave off the remaining parts of her hair, the woman locked her in a room for four days with small amounts of food and water. In another incident, the woman accused the girl of burning food while she was cooking and poured the boiling cooking oil over the girl's arms, leaving her skin blistering with burns. The girl was forced to continue working without medical treatment, and her arms became infected. In a third incident, she was accused of killing one of the dogs and was made to get down on her hands and knees and was told she “should die like the dog”, while the woman beat her with a stick across the back of the neck. Eventually, a relative from the host family intervened and the girl was removed.¹⁴²

¹⁴¹ ILO Forced Labour Complaints Mechanism, Case #----, received 12 Oct. 2013.

¹⁴² ILO Forced Labour Complaints Mechanism, Case #----, received 29 April 2014.

Indicators met by this case:

- ✓ **Deception about conditions of work**
- ✓ **Freedom of movement and communication prohibited**
- ✓ **Physical violence**
- ✓ **Required to work while sick or injured**
- ✓ **Degrading treatment**

5.3.4 Characteristics of respondents in situations of trafficking and forced labour

This section analyses the statistical relationships between cases of forced labour or trafficking for forced labour and other variables that did not relate to the indicators used to identify these cases. For example, because “locked up during migration” and “retention of wages” were used as indicators of forced labour and trafficking for forced labour, they cannot be used to understand causation. However, other variables, such as age, industry, geographic location or type of recruitment assistance, were not used to identify cases of forced labour or trafficking; these variables can be used to understand why migrants ended up in a situation of forced labour or trafficking for forced labour. To simplify the language in this section, trafficking for forced labour is referred to as “trafficking”.

An “association” shows that there is a degree of statistical dependency between two factors, although it does not prove that either of these variables caused the other, as additional variables may have had some influence. Additional “regression” analysis of the data set was then conducted to look for causal relationships.¹⁴³ In this analysis, forced labour or trafficking was set as the dependent variable, while all variables in the questionnaire (except those that were indicators in the computation of forced labour and trafficking) were set as independent variables. Each independent variable was then recoded into dichotomous variables (meaning, there were only two possible outcomes) and was tested to see if there were any high correlations with the dependent variable. This analysis resulted in the identification of 12 determinants of forced labour and trafficking for forced labour that are included to complement the association analysis throughout this section.

Age

The rates of forced labour and trafficking were inversely associated with age, with the highest rates of forced labour and trafficking among child respondents (15–17 years old), and rates decreasing until the 51–60 age range. As many as 34 per cent of all children interviewed were in a situation of forced labour, compared with 26 per cent of all the adults who were interviewed. Similarly, 18 per cent of children interviewed were in a situation of trafficking, while 14 per cent of adults were in a situation of trafficking.

Table 28. Association between age and rates of exploitation (n=7,295)

Age	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
15–17	161	34.0	87	18.4	313	66.0	474	6.5
18–20	360	30.3	181	15.3	826	69.6	1 186	16.3
21–30	850	28.5	439	14.7	2 131	71.5	2 981	40.9
31–40	319	21.5	177	11.9	1 164	78.5	1 483	20.3
41–50	162	18.8	94	10.9	700	81.2	862	11.8
51–60	56	18.1	29	9.4	253	81.9	309	4.2
Total	1 908	26.2	1 007	13.8	5 391	73.9	7 295	100.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

¹⁴³ Logistic regression analysis is useful for predicting the presence or absence of a characteristic or outcome based on values of a set of predicted variables. It is used to estimate odds ratios for each of the independent variables used in a model.

Sex

There was no difference in the rates of forced labour and trafficking between all male respondents and all female respondents, with rates of 26 per cent of males and females in situations of forced labour and 14 per cent of males and females in a situation of trafficking. However, there were differences among male and female child respondents (15–17 years old). Girl respondents were found to be in a situation of exploitation more often than boy respondents. As can be seen in Table 29, 37 per cent of girl respondents were in a situation of forced labour, compared with 31 per cent of boy respondents, and 21 per cent of girl respondents were in a situation of trafficking, compared with 15 per cent of boy respondents.

Table 29. Association between sex of child and rates of exploitation (n=474)

Sex	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 474
Boy	71	31.0	35	15.0	159	69.1	230	48.4
Girl	90	37.0	52	21.0	154	63.1	244	51.6
Total	161	34.0	87	18.4	313	66.0	474	100.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Identification cards

Migrants in possession of a Citizenship Scrutiny Card (CSC) had slightly lower rates of forced labour and trafficking than those without: 31 per cent of the 1,575 respondents without a CSC were in a situation of forced labour, compared with the 25 per cent of 5,720 migrants with a CSC. Furthermore, 17 per cent of respondents without a CSC were in a situation of trafficking, compared with 13 per cent of migrants with a CSC.

Household demographics

Respondents from poorer households were more likely to be in a situation of forced labour and trafficking: 32 per cent of respondents in households earning less than MMK1 million (\$787) per year were in a situation of forced labour, compared with 19 per cent of respondents in households earning between MMK2 million (\$1,574) and MMK9.9 million (\$7,868) per year. Similarly, 19 per cent of respondents in households earning less than MMK1 million per year were in a situation of trafficking, compared with 10 per cent of respondents in households earning between MMK2 million and MMK9.9 million per year.

In particular, children from poorer households experienced higher rates of exploitation. Specifically, 35 per cent of child respondents in households earning less than MMK1 million per year were in a situation of trafficking, while 13 per cent of child respondents in households earning between MMK1 million and MMK2 million per year were in a situation of trafficking.

The regression analysis found that respondents originating from a household in which there were fewer than four household members earning money were two times more likely to be in a situation of forced labour and two times more likely to be in a situation of trafficking than those who came from households with four or more individuals earning money. Migrants originating in households with five or more members were one time more likely to be in a situation of forced labour and one time more likely to be in a situation of trafficking than those who came from households of four or less individuals. In summary, respondents were slightly more likely to be in a situation of trafficking or forced labour if they came from a household in which fewer than four members were earning money or if there were five or more household members.

Table 30. Association between household income and rates of exploitation (n=7,295)

Total household income in on year	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Less than MMK1,000,000	708	32.9	413	19.2	1 446	67.1	2 154	29.5
MMK1,000,000 to 1,999,999	524	25.0	273	13.0	1 574	75.0	2 098	28.8
MMK2,000,000 to 9,999,990	221	18.8	113	9.6	953	81.2	1 174	16.1

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Education

Children who had at least started upper secondary school were less likely to be in a situation of forced labour and trafficking, compared with children who had only completed lower secondary school (Table 31).

Table 31. Association between education attainment of children and rates of exploitation (n=474)

Education	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 474
Lower secondary (6–9)	126	37.0	71	20.8	215	63.0	341	71.9
Upper secondary started (10–11)	29	26.6	13	11.9	80	73.4	109	23.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

The regression analysis found a dependency between reason for terminating schooling and ending up in situations of trafficking and/or forced labour. Adult and child respondents who had finished their schooling due to a need to provide money for their family were two times more likely to be in a situation of forced labour and two times more likely to be in a situation of trafficking than respondents who finished their schooling for other reasons. Relatedly, a larger proportion of respondents with more than MMK400,000 (\$315) in household debt were in situations of forced labour and trafficking than those with lower amounts of debt or none.

Marital status

As shown in Table 32, rates of forced labour and trafficking among never married, divorced or separated and widowed people were higher than those of married or co-habitant respondents. It is possible that a partner of some kind serves a protective mechanism against labour exploitation, perhaps in regards to assistance in decision-making and selecting a job.

Table 32. Association between marital status and rates of exploitation (n=7,295)

Marital status	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Never married	1 058	30.2	544	15.5	2 450	69.8	3 508	48.1
Married/co-habitant	788	21.9	425	11.8	2 806	78.1	3 594	49.3
Divorced/separated	36	38.7	23	24.7	57	61.3	93	1.3
Widowed	21	27.6	12	15.8	55	72.4	76	1.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Migration decision-making

Although few respondents decided to migrate for work due to social problems (243 respondents), those who did had a higher chance of being in a situation of forced labour and trafficking than those who migrated for more common economic reasons (Table 33). Specifically, respondents who had decided to migrate for work due to the death of a breadwinner in the family, due to domestic or other physical violence, due to armed conflict in their area or due to confiscation of land experienced higher rates of trafficking and forced labour, compared with those who migrated due the need for money, not being satisfied in their job at the time, there being no jobs in their origin area or because they wanted to “stand on their own two feet”. Those who had migrated due to that desire for financial independence had a smaller chance of being in forced labour and trafficking, suggesting a correlation between personal ambition, confidence or independence and the avoidance of abuse.

Table 33. Association between migration reason and rates of exploitation (n=7,295)

Reason for migrating	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Need for money	1 589	26.1	866	14.2	4 510	73.9	6 099	83.6
Not satisfied in job at that time	148	31.5	84	17.9	322	68.5	470	6.4
No jobs in my home village/ward area	384	31.7	221	18.2	829	68.3	1 213	16.6
Wanted to stand on my own feet	169	24.1	92	13.1	531	75.9	700	9.6
Death of breadwinner in family	90	42.9	62	29.5	120	57.1	210	2.9
Domestic or physical abuse	4	57.1	4	57.1	3	42.9	7	0.1
Armed conflict in your area	3	42.9	1	14.3	4	57.1	7	0.1
Confiscation of land	7	41.2	5	29.4	10	58.8	17	0.2

Note: Multiple-answer question.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Recruitment

Migrants who had some help from another person to arrange their recruitment (friend, relative, *pwe sar*, etc.) had a slightly higher chance of being in forced labour and trafficking than those who had no assistance. Some 28 per cent of the 5,233 respondents who had received help from another person to arrange their recruitment were in a situation of forced labour, compared with 23 per cent of the 2,062 respondents who had not had help from another person. Similarly, 15 per cent of respondents who had received help from another person to arrange recruitment were in a situation of trafficking, compared with 11 per cent of respondents who had not had such assistance. Among the 5,387 respondents who did not meet the conditions to be in a situation of forced labour or trafficking, the majority (73 per cent) had not had someone else arrange their recruitment.

As shown in Table 34, respondents who stated that they had used a *pwe sar* to arrange their recruitment into the job had significantly higher rates of forced labour and trafficking than those who had assistance from family or acquaintances. As much as 52 per cent of the 491 respondents who had used a *pwe sar* were in a situation of forced labour, compared with much lower rates among those who had sought informal recruitment assistance from friends, family, an acquaintance or the employer. Similarly, 41 per cent of respondents who had assistance from a *pwe sar* were in a situation of trafficking, compared with much lower rates among those who sought recruitment assistance from friends, family, an acquaintance or the employer. When a spouse had helped arrange the recruitment, the rates of trafficking and forced labour were lowest among all those who had received assistance from someone else. Overall, the rates of trafficking and forced labour were lower among respondents who had already known the person who had helped them arrange their recruitment.

Table 34. Association between type of recruitment assistance and rates of exploitation (n=5,233)

Person who arranged recruitment into the job	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 5 233 ^a
<i>Pwe sar</i>	254	51.7	200	40.7	237	48.3	491	9.4
Employment agency	8	28.6	5	17.9	20	71.4	28	0.5
Employer	144	22.0	91	13.9	510	78.0	654	12.5
Family ^b	524	25.4	257	12.5	1 540	74.6	2 064	39.4
Friend	416	25.8	197	12.2	1 197	74.2	1 613	30.8
Acquaintance	167	23.8	89	12.7	534	76.2	701	13.4

Note: a= Among the total 7,295 respondents, 5,233 had someone arrange their recruitment into the job. The question is a multiple-answer question; answers amount to more than 5,233. b= Includes parents/guardians, siblings, relatives and spouse.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

According to the regression analysis, respondents who had to pay someone to obtain the job were six times more likely to be in a situation of forced labour and nine times more likely to be in a situation of trafficking, compared with those respondents who did not pay a fee. This was particularly the case among children; child respondents who paid a recruitment fee were 14 times more likely to be in a situation of trafficking, compared with children who did not pay a fee. Only 169 of the total 7,295 migrants paid a recruitment fee to a recruiter or employer, which suggests it is an uncommon practice, but where it does take place, there is a high likelihood that a migrant will end up in a situation of exploitation.

Transportation

Only 329 of the total 7,295 respondents used a *pwe sar* to organize their travel arrangements from their origin area to the destination area; however, those who did had a higher chance of being in a situation of forced labour or trafficking than respondents whose travel was organized by other individuals or by those who travelled by themselves. As much as 55 per cent of the 329 respondents who used a *pwe sar* to organize their travel arrangements were in a situation of forced labour, compared with the 30 per cent of those who had received such help from family, friends or acquaintances, or the 25 per cent who migrated without any assistance. Similarly, 46 per cent of respondents who had used a *pwe sar* to organize their travel arrangements were in a situation of trafficking for forced labour, compared with the 17 per cent who had been given help by family, friends or acquaintances or the 11 per cent who migrated without any assistance.

Job contract or agreement

As indicated in Table 35, only 495 of the total 7,295 respondents had a written contract with their employer; however, those who did had a higher chance of being in a situation of forced labour and trafficking compared with those who

had started the job with no information at all, had made a verbal agreement with the employer or had received information about the job from another individual. This is at first surprising, as a contract should be supportive to workers, ensuring them adequate working conditions and giving them the ability to hold recruiters and employers accountable for initial agreements. The reality that this is not the case is likely due to the way employers are using contracts. As a cement factory worker explained, in agreement with other interlocutors from his industry, “The contract only benefits and protects the employer; typically we don’t even understand the content or have enough time to read it before signing.”¹⁴⁴ This was confirmed through the study, with 35 per cent of 495 respondents who had a contract stating that it was only partly understood or not understood at all. Additionally, as explained in section 5.3.1, written contracts often do not contain accurate information about the working conditions of the job.

Table 35. Association between type of employment agreement and rates of exploitation (n=7,295)

Type of employment agreement	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Written contract with employer	206	41.6	151	30.5	289	58.4	495	6.8
Verbal agreement with employer	271	24.7	712	13.9	3 867	75.3	5 138	70.4
Information about the job provided by another person	190	23.2	91	11.1	628	76.8	818	11.2
Started the job without any information provided at all	189	30.5	43	6.9	430	69.5	619	8.5

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Industry

Forced labour and trafficking were found to be more prevalent within domestic work, fishing, trade, mining and food service activities, when compared with other industries covered in the survey. Most strikingly, 40 per cent of domestic workers interviewed were in a situation of forced labour, and 24 per cent were in a situation of trafficking, compared with the respective averages among all workers, at 26 per cent in forced labour and 14 per cent in trafficking. The proportions of workers in all other industries found to be in situations of forced labour and in trafficking are displayed in Table 36.

144 Focus group discussion in Mandalay, April 2015.

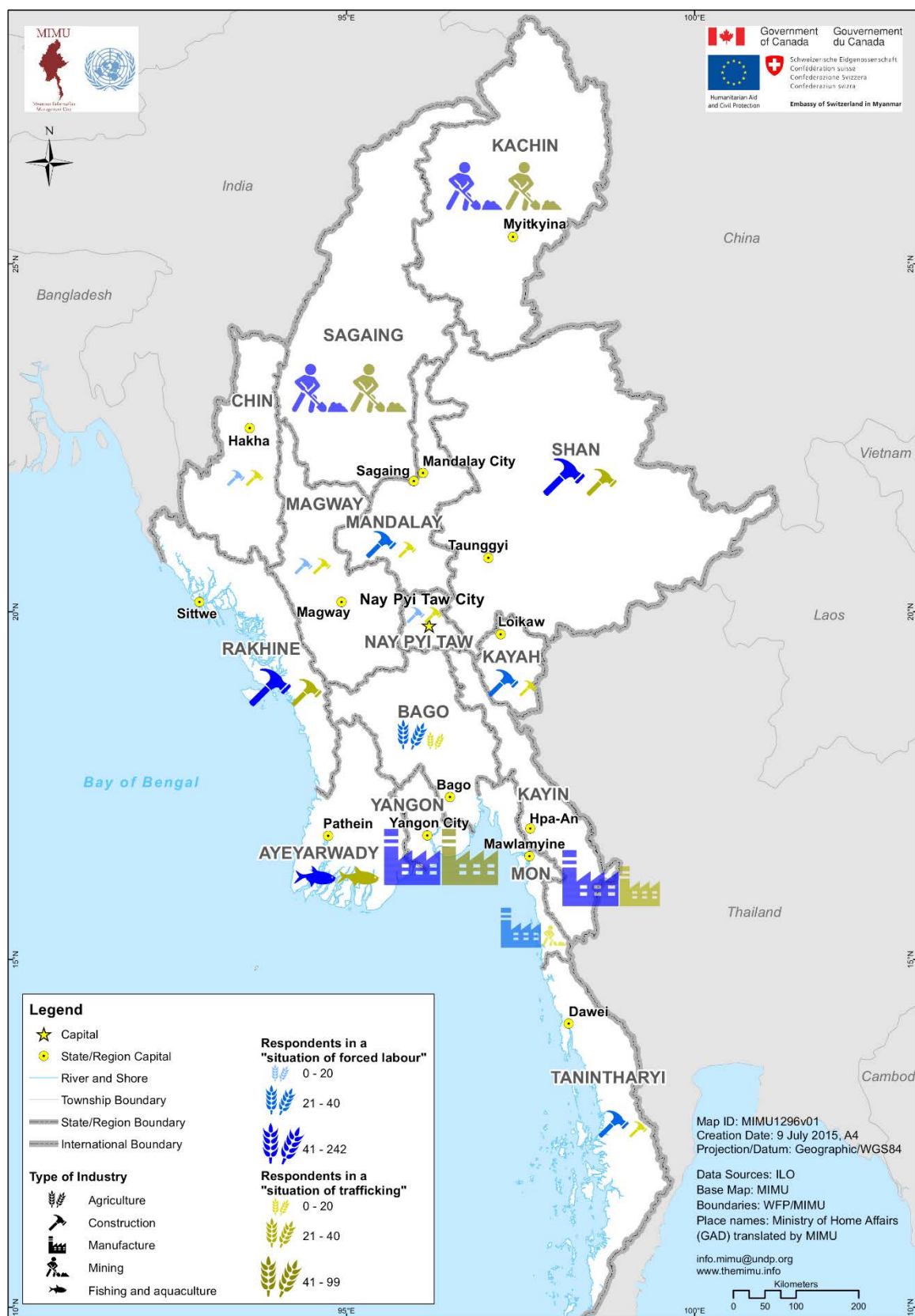
Table 36. Association between industry and rates of exploitation (n=7,295)

Industry	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents*	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Agriculture	173	20.8	91	11.0	657	79.2	830	11.4
Forestry	44	27.8	25	15.8	114	72.2	158	2.2
Fishing	112	39.2	75	26.2	174	60.8	286	3.9
Mining	250	32.1	151	19.4	528	67.9	778	10.7
Manufacturing	510	27.0	228	12.1	1 378	73.0	1 888	25.9
Amenity services	7	14.9	5	10.6	40	85.1	47	0.6
Construction	376	18.4	195	9.5	1 668	81.6	2 044	28.0
Wholesale/retail trade	117	35.0	55	16.5	217	65.0	334	4.6
Transport	65	26.9	36	14.9	177	73.1	242	3.3
Hotels	7	24.1	3	10.3	22	75.9	29	0.4
Food/beverage service	60	33.1	29	16.0	121	66.9	181	2.5
Buildings/landscape services	13	26.0	7	14.0	37	74.0	50	0.7
Domestic services	169	40.0	103	24.4	253	60.0	422	5.8
Total	1 908	26.2	1 007	13.8	5 387	73.8	7 295	100.0

Note: *=Six sex workers were also interviewed but due to the small sample number, the statistics are not significant.

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Map 3. Respondents in situations of forced labour and trafficking, by industry (state/region level)



Mining and domestic workers

The regression analysis found that miners and domestic workers were more likely to be in a situation of exploitation than workers in other industries. Miners were two times more likely to be in a situation of forced labour and two times more likely to be in a situation of trafficking than respondents who were not in mining work. Domestic workers were one time more likely to be in a situation of forced labour and two times more likely to be in a situation of trafficking than respondents who were not in domestic work.¹⁴⁵

Among the 250 mining workers in situations of forced labour or trafficking,¹⁴⁶ at least 60 per cent experienced the following indicators of exploitation: deception about the nature of work; under constant surveillance during the migration journey; forced to do certain tasks or forced to work overtime; or threats of dismissal.

Among the 169 domestic workers in situations of forced labour or trafficking,¹⁴⁷ at least 60 per cent experienced the following indicators of exploitation: under constant surveillance; forced to do certain tasks or forced to work overtime; forced to work without breaks or while sick or injured; freedom of movement and communication prohibited; and forms of degrading treatment.¹⁴⁸

Fishing workers

The fishing industry was not identified in the regression analysis as having a strong direct correlation with forced labour and trafficking, compared with other industries. However, there is a stronger statistical association between the fishing industry and forced labour and trafficking when compared with the average: 39 per cent of respondents in the fishing industry were in a situation of forced labour (compared with 26 per cent of all respondents), and 26 per cent of respondents in the fishing industry were in a situation of trafficking (compared with 14 per cent of all respondents). The case studies received by the ILO also indicate highly exploitive working conditions among some workers in the fishing industry.¹⁴⁹

Among the 112 fishing workers in situations of forced labour or trafficking in this study,¹⁵⁰ at least 60 per cent experienced the following indicators of exploitation: under constant surveillance; forced to do tasks or forced to work overtime; forced to work without breaks or while sick or injured; freedom of movement and communication prohibited; withholding of wages or benefits; confiscation of identification; threats of dismissal; and forms of degrading treatment. A large number of indicators were experienced by at least 60 per cent of fishing workers, in contrast to the mining and domestic workers.

¹⁴⁵ See the regression analysis in Table 44 at the end of this section.

¹⁴⁶ Some 250 respondents working in mining jobs were in a situation of forced labour, and 151 of them were also in a situation of trafficking.

¹⁴⁷ Some 169 respondents working as domestic workers were in a situation of forced labour, and 103 of them were also in a situation of trafficking.

¹⁴⁸ Degrading treatment may include isolation; deprivation of food, water or sleep; inappropriate sexual or physical touching; or insult or embarrassment regarding intelligence or physical appearance (disaggregated data not currently available).

¹⁴⁹ For summaries of the two case studies, see case studies 3 and 5 in section 5.3.3.

¹⁵⁰ Some 112 respondents working in fishing jobs were in a situation of forced labour, and 75 of them were also in a situation of trafficking.

Box 4

Sex work as an area of future research

Sex workers were not intended to be included in the quantitative survey because the pilot testing revealed that the questionnaire would not capture the complexity of their decision-making processes when entering sex work. Additionally, the survey was designed only for workers with employers, and many sex workers in Myanmar work independently. Despite the survey design, enumerators in Rakhine and Kachin states interviewed six sex workers; five of them were found to be in a situation of forced labour and/or trafficking.

To develop an understanding of sex work in Myanmar, 15 adult sex workers were interviewed in two focus group discussions, some of whom were the staff members of a civil society organization supporting sex workers and were able to provide analysis of the situation facing sex workers on the whole. The women were currently working as escorts for private individuals, in brothels or out of bars and karaoke establishments.

The women explained that they were working in the sex industry voluntarily. However, most of the women explained that their first encounter with sex work had been in a situation of internal or cross-border trafficking. The women described such experiences, which began with a recruiter making a promise of a particular job in another part of Myanmar, Thailand or China, in industries such as bar work, salon work, domestic work, manufacturing or other jobs. Then, the girls/women were taken to a different area and forced to engage in some form of sex work through various coercive tactics. These tactics included physical violence, confiscation of identification card and/or threats to harm family members. After these experiences, most of the women remained in the sex industry, and some of them recounted experiences of being trafficked a second time.

The women also stated that most other sex workers in Myanmar had entered the industry in similar ways, suggesting extremely high rates of women/girls being trafficked into the sex industry but then remaining voluntarily. Despite the availability of some vocational training options, these women explained that due to stigma, lack of identity cards and household registration lists and an associated inability to return to their home village, they have remained in the sex industry. While the current work situation of those interviewed was said to be a voluntary experience on a day-to-day level, both the reason they entered the industry and their inability to leave at will means there are likely many cases of this kind that would be deemed as forced labour or trafficking according to international and Myanmar law. There is need for considerable further research into the prevalence of these issues among sex workers in Myanmar.

Migration distance

According to the regression analysis, respondents who moved across a state/region appear to be three times more likely to be in a situation of forced labour and two times more likely to be in a situation of trafficking than those respondents who only moved within a state/region. Migrating further away from the home area typically means a loss of social networks in the destination area and often requires more assistance from recruiters.¹⁵¹

Place of origin

Respondents originating from Bago, Ayeyarwady and Magway regions were approximately three times more likely to be in situations of forced labour and trafficking for forced labour, compared with respondents who originated in other states/regions.¹⁵² This could be related to recruitment practices in those origin areas and/or to labour conditions in the areas in which these migrants end up, but it is not possible to determine the exact cause without further research. What is notable is that the distinct majority of internal migrants from all three of these regions had travelled to other states/regions for the job: 85 per cent of respondents originating in Magway, 80 per cent of respondents originating in Ayeyarwady and 75 per cent of respondents originating in Bago migrated across states/regions, compared with an average of 62 per cent of all respondents who left their state/region. Yangon was also the most popular destination for respondents originating from both Ayeyarwady (49 per cent migrated to Yangon) and Magway regions (18 per cent migrated to Yangon), and the second most popular among those from Bago (21 per cent migrated to Yangon).

Place of destination

Forced labour and trafficking were found to be more prevalent among respondents who took jobs in Ayeyarwady Region or Kayin and Sagaing states, compared with other states/regions.

Among the 264 respondents who were interviewed about a job taken in Ayeyarwady Region, 52 per cent of them were in a situation of forced labour and 40 per cent were in a situation of trafficking, compared with the respective averages among all respondents, at 26 per cent in forced labour and 14 per cent in trafficking. This is due to the particularly high rates of forced labour and trafficking among respondents in the fishing industry in Pyapon Township as well as to the rates of exploitation among respondents in agriculture jobs in Labutta and Myaungmya townships.¹⁵³

Among the 333 respondents who took a job in Kayin State, 40 per cent were in a situation of forced labour and 16 per cent were in a situation of trafficking. This is due to the high rates of forced labour and trafficking among respondents in the manufacturing industry in Kyain Seikgyi Township and, to a lesser extent, the rates of exploitation among trade workers in Hpa'an Township.¹⁵⁴

Among the 454 respondents who were interviewed about a job taken in Sagaing Region, 38 per cent of them were in a situation of forced labour and 31 per cent were in a situation of trafficking. This is due to the high rate of forced labour and trafficking among respondents working in the mining industry in Homalin Township and, to a

151 This was explained during a key informant interview with a civil society leader (in Dawei, April 2015) who said it is easy to migrate on one's own or with the help of friends or family when migrating nearby. But when migrating to another state/region, it becomes necessary to use a recruiter.

152 See Table 44.

153 Among the 48 respondents working in fishing jobs in Pyapon Township, 45 were in a situation of forced labour and 43 of them were also in a situation of trafficking. Among the 35 respondents working in agriculture jobs in Labutta Township, 21 were in a situation of forced labour and 19 of them were also in a situation of trafficking. Among the 20 respondents working in agriculture jobs in Myaungmya Township, 10 were in a situation of forced labour and 5 of them were also in a situation of trafficking.

154 Among the 134 respondents working in manufacturing jobs in Kyain Seikgyi Township, 56 were in a situation of forced labour and 20 of them were also in a situation of trafficking. Of the 14 respondents working in wholesale/resale trade jobs in Hpa'an Township, 12 were in a situation of forced labour and 6 of them were also in a situation of trafficking. Of the 33 respondents working in construction jobs in Hpa'an Township, 8 were in a situation of forced labour and 4 of them were also in a situation of trafficking.

lesser extent, the rate of exploitation among mining workers in Hkamti Township as well as the rate of exploitation among agriculture workers in Kale Township.¹⁵⁵

The rates of forced labour and trafficking were also particularly high in certain townships in Yangon Region and Kachin State. In Yangon Region, manufacturing workers had high rates of exploitation, particularly in Hlaingtharya and Shwepyithar townships, but also in Mingaladon, South Dagon and North Okkalapa townships.¹⁵⁶ In Kachin State, mining workers in Hpakan and Tanai townships also had high rates of forced labour and trafficking.¹⁵⁷ Table 37 shows the rates of forced labour and trafficking among the 14 states/regions and Nay Pyi Taw.

Table 37. Association between state/region of job and rates of exploitation (n=7,295)

State/region of job in the study	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Ayeyarwady	138	52.3	105	39.8	126	47.7	264	3.6
Bago	94	23.5	58	14.5	306	76.7	400	5.5
Chin	29	7.2	13	3.2	376	92.8	405	5.6
Kachin	181	32.3	97	17.3	379	67.7	560	7.7
Kayah	110	30.6	53	14.8	249	69.4	359	4.9
Kayin	132	39.6	53	15.9	201	60.4	333	4.6
Magway	57	33.1	31	18.0	115	66.9	172	2.4
Mandalay	105	17.6	49	8.2	493	82.4	598	8.2
Mon	74	13.1	29	5.1	493	86.9	567	7.8
Nay Pyi Taw	19	27.9	7	10.3	49	72.1	68	0.9
Rakhine	93	25.0	50	13.4	279	75.0	372	5.1
Sagaing	171	37.7	142	31.3	283	62.3	454	6.2
Shan	135	19.3	58	8.3	564	80.7	699	9.6
Tanintharyi	85	16.2	45	8.6	439	83.8	524	7.2
Yangon	482	32.3	216	14.5	1 009	67.7	1 491	20.4
No answer	3	10.3	1	3.4	26	89.7	29	0.4
Total	1 908	26.2	1 007	13.8	5 387	73.8	7 295	100.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

¹⁵⁵ Among the 95 respondents working in mining jobs in Homalin Township, 40 were in a situation of forced labour and 37 of them were also in a situation of trafficking. Among the 52 respondents working in mining jobs in Hkamti Township, 9 were in a situation of forced labour and 6 of them were also in a situation of trafficking. Among the 7 respondents working in agriculture jobs in Kale Township, 7 were in a situation of both forced labour and trafficking.

¹⁵⁶ Among the 254 respondents working in manufacturing jobs in Hlaingtharya Township, 80 were in a situation of forced labour and 36 of them were also in a situation of trafficking. Among the 154 respondents working in manufacturing jobs in Shwepyithar Township, 60 were in a situation of forced labour and 18 of them were also in a situation of trafficking. Among the 54 respondents working in manufacturing jobs in Mingaladon Township, 19 were in a situation of forced labour and 12 of them were also in a situation of trafficking. Of the 65 respondents working in manufacturing jobs in South Dagon, 14 were in a situation of forced labour and 3 of them were also in a situation of trafficking. Of the 25 respondents working in manufacturing jobs in North Okkalapa, 11 were in a situation of forced labour and 4 of them were also in a situation of trafficking.

¹⁵⁷ Among the 163 respondent working in mining jobs in Hpakan Township, 54 were in a situation of forced labour and 27 of them were also in a situation of trafficking. Among the 62 respondents working in mining jobs in Tanai Township, 18 of them were in a situation of forced labour and 9 of them were also in a situation of trafficking.

Wages

Respondents in a situation of forced labour or trafficking were more likely to earn less than MMK50,000 (\$39) per month than non-exploited respondents (Table 38). Around 25 per cent of respondents in situations of forced labour earned less than MMK50,000 per month, and 29 per cent of workers in situations of trafficking earned less than MMK50,000 per month, compared with only 14 per cent of non-exploited workers who earned less than MMK50,000 per month. Respondents in situations of forced labour and trafficking were also less likely to earn higher monthly salaries than non-exploited respondents. Some 20 per cent of respondents in a situation of forced labour and 20 per cent of respondents in a situation of trafficking earned between MMK100,000 (\$79) and MMK149,999 (\$118) per month, while 31 per cent of non-exploited respondents received a monthly salary in this bracket.

Table 38. Association between monthly salary and rates of exploitation (n=7,295)

Monthly salary	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of 1 908	#	% of 1 007	#	% of 5 387	#	% of 7 295
Less than MMK50,000	478	25.0	289	28.7	754	14.0	1 232	16.9
MMK50,000 to MMK99,000	829	43.4	409	40.6	2 262	42.0	3 091	42.4
MMK100,000 to MMK149,999	394	20.1	202	20.1	1 655	30.7	2 049	28.1
MMK150,000 to MMK200,000	101	5.3	52	5.2	340	6.3	441	6.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Hours and time off

Respondents in situations of forced labour and trafficking worked longer hours than the non-exploited respondents. As displayed in Table 39, 48 per cent of respondents in a situation of forced labour and 57 percent of respondents in a situation of trafficking worked between 11 and 15 hours per day, compared with the 28 per cent of respondents who were not in a situation of trafficking or forced labour.

Table 39. Association between hours working per day and rates of exploitation (n=7,295)

Hours working per days (excluding breaks)	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of 1 908	#	% of 1 007	#	% of 5 387	#	% of 7 295
Fewer than 8 hours	89	4.7	35	3.5	345	6.4	434	5.9
8 hours	287	15.0	122	12.1	1 618	30.0	1 905	26.1
9–10 hours	565	29.6	254	25.2	1 770	32.9	2 335	32.0
11–15 hours	915	48.0	573	56.9	1 501	27.9	2 416	33.1

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Respondents in situations of forced labour and trafficking were also more likely to work seven days per week than the non-exploited respondents (Table 40). The 67 per cent of respondents in a situation of forced labour and 72 per cent of respondents in a situation of trafficking worked seven days per week, compared with the 57 per cent of the non-exploited respondents who worked seven days a week. Among all respondents, a seven-day work week was the most common (60 per cent of all respondents).

Table 40. Association between number of working days per week and rates of exploitation (n=7,295)

# days working per week	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of 1 908	#	% of 1 007	#	% of 5 387	#	% of 7 295
1 to 3 days	41	2.1	24	2.4	94	1.7	135	1.2
4–5 days	119	6.2	56	5.6	528	9.8	647	8.9
6 days	437	22.9	189	18.8	1 566	29.1	2 003	27.5
7 days	1 277	66.9	721	71.6	3 083	57.2	4 360	59.8

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Debt

While non-consensual debt to an employer can be enough in itself to form an indicator of forced labour and/or trafficking,¹⁵⁸ there is also a notable correlation between consensual debt to employers and rates of forced labour and trafficking. Some 46 per cent of the 510 respondents who had consensual debt to their employers were in a situation of forced labour, compared with 24 per cent of the 6,638 respondents who had no debt (Table 41). Similarly, 29 per cent of all the respondents who had consensual debt to their employers were in a situation of trafficking, compared with 12 per cent of respondents who had no debt.

Table 41. Association between consensual debt to the employer and rates of exploitation, percentage of row (n=7,295)

Debt to the employer	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of row	#	% of row	#	% of row	#	% of 7 295
Yes (with consent)	232	45.5	149	29.2	278	54.5	510	7.1
No debt	1 585	23.9	802	12.1	5 053	76.0	6 638	92.9

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

¹⁵⁸ For analysis of non-consensual debt to an employer, see section 5.3.1.

The association between consensual debt and exploitation is also apparent when compared with the non-exploited respondents. As shown in Table 42, 13 per cent of respondents in a situation of forced labour were in debt to their employer and 16 per cent of respondents in a situation of trafficking were in debt to their employer, while only 5 per cent of respondents not in a situation of trafficking or forced labour were in debt. This also shows a slightly stronger association between debt and trafficking, compared with debt and forced labour.

Table 42. Association between consensual debt to the employer and rates of exploitation, percentage of column (n=7,295)

Debt to the employer	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of 1 908	#	% of 1 007	#	% of 5 387	#	% of 7 295
Yes (with consent)	232	12.2	149	14.7	278	5.2	510	7.0
No debt	1 585	83.1	802	79.6	5 053	93.8	6 638	91.0

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Living conditions

The majority (65 per cent) of all internal labour migrants surveyed lived in housing provided by the employer (Table 43). However, this was more prevalent among people in situations of forced labour and trafficking. The 72 per cent of respondents in a situation of forced labour and 78 per cent of respondents in a situation of trafficking lived in employer-provided housing. Meanwhile, 63 per cent of respondents not in situations of forced labour or trafficking had this kind of living arrangement. Respondents sharing a room with more than six people also had slightly high rates of forced labour and trafficking, compared with those sharing a room with one to three or two to six people.

Table 43. Association between living in employer-provided housing and rates of exploitation (n=7,295)

Living quarters provided by employer	Respondents in situation of forced labour		Respondents in situation of trafficking		Not in forced labour or trafficking		All respondents	
	#	% of 1 908	#	% of 1 007	#	% of 5 387	#	% of 7 295
No	527	27.6	221	21.9	1 978	36.7	2 505	34.3
Yes	1 376	72.1	786	78.0	3 371	62.6	4 747	65.1

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Twelve determinants of forced labour and trafficking were identified using regression analysis and have been described throughout this section. They are also presented in Table 44 with their statistical significance. The odd ratio indicates how many times more likely a respondent was to be in a situation of forced labour or trafficking for forced labour if they possessed a particular quality or undertook a particular action.

Table 44. Determinants of forced labour and trafficking among all respondents (n=7,295)

Determinants	Forced labour		Trafficking for forced labour	
	Sig.	Odd ratio	Sig.	Odd ratio
Had to pay to get the job (to a recruiter or employer)	.000	5.835	.000	8.544
Mining/quarrying industry	.000	1.662	.000	1.967
Domestic services industry	.016	1.231	.000	1.458
Moved from different state/region (not within a state/region)	.000	2.506	.000	2.442
Moved from Bago Region	.000	2.609	.000	2.573
Moved from Ayeyarwady Region	.000	3.379	.000	3.383
Moved from Magway Region	.000	2.849	.000	2.977
Move to an urban area	.000	1.385	.001	1.264
Finished my school as I need to provide money for my family	.000	1.490	.000	1.751
Single (not married or co-habitant)	.000	1.388	.003	1.249
Number of household members earning money is fewer than 4	.000	1.558	.000	1.589
Number of household members in the origin place is 5 or more	.044	1.124	.035	1.168

Source: Internal Labour Migration Survey, ILO-Yangon, 2015.

Chapter 6: Recommended areas for future work

This chapter provides recommendations for future work, based on the realities and revelations that emerged through the survey. The recommendations are grouped into seven categories, all of which aim to foster collaboration among various actors towards preventing trafficking for forced labour among internal labour migrants in Myanmar.

1. Developing and promoting safe internal recruitment mechanisms

The survey findings indicate that internal labour migration in Myanmar is facilitated mostly through informal means, such as by word of mouth through family and acquaintances.¹⁵⁹ Analysis of the survey data also reveals that informal recruitment is not always problematic. Respondents who relied upon people they knew for job placement assistance were less likely to end up in a situation of trafficking, at least in contrast with respondents who used recruiters they did not know.¹⁶⁰ At the same time, these findings indicate that the official job placement services provided by the Government are underused, either because migrants are not aware of them or choose not to use them.¹⁶¹ This lack of regulation did provide room for particular individuals to exploit migrants. Respondents who used recruiters that are unlicensed or charge a fee or whom are not known by the migrants in advance were more likely to be in a situation of trafficking. Compared with men, women were slightly more likely to use an unlicensed broker.¹⁶²

Recommended action

- i. The Department of Labour should consider undertaking an assessment to understand why the Labour Exchange Offices (LEOs) are underused by workers, including internal labour migrants. At the same time, the Department of Labour should also initiate an awareness-raising campaign using TV, radio, print media and other means to promote the LEOs as a source of information on job placement services. The campaign should articulate the types of services the LEOs provide, such as the registration of job seekers, local and/or nationwide job placement, direct hire services, migration assistance and career counselling (where available). The awareness-raising campaigns should also emphasize the greater job security, rights protections and social benefits that would be guaranteed when accepting a job through such official channels.
- ii. The Department of Labour should progressively promote the types of private employment agencies and individual recruiters available to internal migrants and which are legally legitimate. Given the large number of individuals who have an informal recruitment role for family members or acquaintances, the Department of Labour should consider setting up a licencing system for individuals who want to provide job placement services in a more formal manner or encourage them to join existing employment agencies. To become a licensed recruiter, individuals should be required to undertake adequate training on labour rights and human rights. Licensed employment agencies and recruiters should be monitored carefully by the relevant government authorities. In addition, the Department of Labour should also expand its system for documenting exploitive international recruiters to include problematic domestic employment agencies and individual recruiters.
- iii. Local and international organizations, particularly those that already work to promote safe cross-border migration, should consider promoting safe internal migration, with a particular focus on strategies for smart decision-making at the recruitment stage. For example, migrants should be warned about the risks

¹⁵⁹ See section 5.2.2 on recruitment conditions.

¹⁶⁰ See section 5.3.4 on characteristics of respondents in situations of trafficking and forced labour..

¹⁶¹ For information about the job placement services offered by the MOLES, see section 2.2 on labour legislation.

¹⁶² See section 5.3.4 on characteristics of respondents in situations of trafficking and forced labour.

of using recruiters they do not know, who do not have a good reputation or who charge a recruitment fee because these facets are associated with the higher risk of ending up in an exploitive situation. Migrants should not be discouraged from receiving information about potential jobs from friends and acquaintances because these informal recruiters often fill an important role in providing information and assistance for safe migration. However, migrants should not rely on these informal recruiters alone for information about job placement and should seek out accurate information from the LEOs or employers on the realities of a job.

- iv. Civil society organizations could take a role in promoting safe recruitment mechanisms by recommending trusted employment agencies and individual recruiters to potential migrants. Such organisations could also discuss a job offer with a potential migrant and assist in verifying information about the job, if needed.

2. Targeting deceptive and coercive recruitment practices

As the survey findings revealed, respondents faced a range of deceptive and coercive recruitment practices that represented strong indicators of human trafficking. The most prevalent issue encountered during the recruitment stage of migration was deception about the conditions or nature of a particular job.¹⁶³ In such cases, respondents ended up working in conditions that they did not agree to or might have refused had they been given accurate information. In addition, respondents faced a range of coercive recruitment tactics used by recruiters and employers, such as withholding their identification document, arbitrary inflation of debt, physical violence or threats and other tactics to prevent respondents from refusing the job.¹⁶⁴ Recruiters and employers who intentionally deceive or coerce people into taking jobs should be prosecuted under Myanmar's Anti-Trafficking in Persons Law. This accountability, however, will require greater awareness and regular monitoring and reporting by several actors to ensure the application of the law.

Recommended action

- i. The ATIPD should collaborate with civil society organizations to undertake training in communities specifically on the illegality of deceptive and coercive recruitment tactics and their implications under Myanmar law. Local communities should also understand that such issues can be reported to the ATIPD's human trafficking hotline, a local Anti-Trafficking Task Force (ATTF) or a civil society organization.
- ii. The ATIPD, the MOLES and employers' associations should collaborate to provide training for employers, who sometimes recruit workers on their own, on the illegality of providing incorrect information about a job to a potential employee or using threatening tactics to persuade someone to take a job against their will.
- iii. Because family, friends and acquaintances of migrants may act as recruiters in single instances or for short periods of time, they do not view themselves as "recruiters" and may not take full responsibility for the job conditions that they promise to workers. While they may not intentionally deceive workers, the result is still problematic when people end up working under conditions that they did not agree to. International and local organizations should initiate awareness-raising activities that target the general public, on the basis that many people are potential recruiters. To prevent deceptive recruitment, these activities should focus on warning workers of the dangers in accepting job conditions that cannot be verified or seem unrealistic and of warning the general public not to promise particular working arrangements to other community members without the ability to guarantee those promises. To address the specific issue of false promises, the awareness-raising activities could make specific recommendations for types of information to check

¹⁶³ These include deception about the industry, job location, employer, specific tasks, wages, hours and housing arrangements. For more discussion, see indicators of involuntary recruitment conditions in section 5.3.1.

¹⁶⁴ See the discussion on indicators of coercive recruitment conditions in section 5.3.1.

for, such as telephone numbers of suggested workplaces, information about the employer and systems for cross-checking information with a LEO. Migrants should be encouraged to travel with a telephone and maintain regular communication with family members at home.

3. Improving the nature of employment agreements for workers and employers

Only 7 per cent of the survey respondents had a written contract with their employer, despite its requirement under law.¹⁶⁵ Among the contracts that did exist, many contained only part of the information required by law and often contained inaccurate information about the job. Among the respondents who did have a contract, more than half did not fully understand their contract or did not understand it at all. Female respondents were less likely to fully understand their contract, compared with male respondents.¹⁶⁶ Respondents who had a written contract with their employer were more likely to be in a situation of trafficking for forced labour, compared with respondents who only had a verbal agreement with their employer or a recruiter.¹⁶⁷

Recommended action

- i. LEO personnel should undertake greater efforts to ensure that all employers are adhering to Myanmar law by providing workers with contracts that contain all provisions required by the Employment and Skills Development Law. The Factories General Labour Laws Inspection Department (FGLLID) officers should likewise undertake extra efforts to periodically monitor workplaces, including some intermittent surprise visits, to ensure that working conditions live up to the commitments laid out in the contracts. Employers who include incorrect information in employment contracts should be penalized under the law.
- ii. As the MOLES has developed a standard contract containing all the necessary components required by law, labour organizations/unions, employers' associations and civil society organizations should provide training for workers and employers on how to fill out the contract correctly as well as the whole process of signing a contract and subsequent monitoring. Given the findings of this study, such trainings should emphasize the ways in which a contract should benefit workers and protect their rights. Employers should be strongly encouraged to give workers adequate time to read and understand the conditions in their contract and be ensured of space to negotiate for different conditions. If it is only possible to provide contracts in Myanmar language, then an interpreter should be made available when needed; this could even be another worker who speaks the same ethnic language. The MOLES should also ensure that the terms in the law and in the standardized contracts are the same so that they can be monitored easily.
- iii. Local and international organizations should initiate awareness-raising campaigns among the general public that focus on the benefits of having a written contract, including the ways in which it can protect workers' rights and prevent exploitation, and that it is actually a requirement under Myanmar law.

4. Targeting exploitive working conditions amounting to forced labour

The survey respondents faced a range of working and living conditions imposed on them by employers, which, in some cases, amounted to situations of forced labour. Respondents were required to do tasks or work overtime outside of their employment agreement, work without breaks or while sick or injured, work for indeterminate periods of time to pay back debt or work longer than expected while waiting for the payment of wages. Respondents also reported restrictions on their movement.¹⁶⁸ In some cases, a respondent also experienced a coercive element that prevented them from leaving their job at will, such as forms of physical violence or threats

¹⁶⁵ For information on Myanmar employment contract law, see section 2.2 on labour legislation.

¹⁶⁶ For the research findings on employment contracts among respondents, see section 5.2.3 on job contracts and agreements.

¹⁶⁷ For discussion on the statistical association between employment contracts and rates of exploitation, see section 5.3.4.

¹⁶⁸ See indicators of involuntary working and living conditions in section 5.3.1.

of violence, withholding of their identification document, manipulation of debt, isolation, deprivation of food, water or sleep or constant surveillance.¹⁶⁹ In cases in which a respondent experienced such working conditions and a coercive element preventing them from leaving the workplace, the respondent could be said to be in a situation of forced labour. While some of these issues are not specifically prohibited in Myanmar's labour laws, they are violations of the prohibition on forced labour as defined in the amendment to the Ward or Village Tract Administration Law and/or the prohibition on debt bondage as defined in the Anti-Trafficking in Persons Law.¹⁷⁰

Recommended action

- i. As part of the Myanmar Government's commitment to end all forms of forced labour, the MOLES should expand the mandate of labour inspectors to include the monitoring of workplaces for indications of forced labour, or it could create a special division to monitor forms of forced labour, including debt bondage, forced labour of children and trafficking for forced labour. In support of such efforts, the ILO and other experts could assist in the design of forced labour inspection systems and methods and provide ongoing training and capacity-building opportunities for inspectors.
- ii. The MOLES and the ATIPD should provide joint training to employers and workers on forced labour, with support from the ILO and other organizations for technical expertise. These training activities should focus on the commonplace practices of employers that amount to forced labour, as documented in this report, many of which are underpinned by long-standing attitudes and norms about the relationship between employers and employees. Such norms have effectively allowed employers to impose constant surveillance of workers at the workplace or at home, to instate movement restrictions, to violate employee privacy and to make various demands for employees to work longer, harder or perform additional tasks that were not consensually agreed upon. There is a need for a shift in such attitudes, towards those that value and prioritize a professional working arrangement based on a contract and that encourage respect between employers and employees.
- iii. To date, there has been no use of the amendment to the Ward or Village Tract Administration Law (that prohibits forced labour) to prosecute private sector actors. The Union Attorney General's Office and the ATIPD should initiate efforts to ensure awareness of the law among criminal justice practitioners. However, the amendment only provides a broad definition of forced labour. While this is consistent with ILO Convention No. 29, which instructs national law makers to use a broad definition, it may be necessary to provide criminal justice practitioners with additional guidance on the forms of forced labour that may fall under this law. For example, debt bondage is only defined within the Anti-Trafficking in Persons Law but should be recognized as a form of forced labour.
- vii. The Anti-Trafficking in Persons Law has been used predominantly to prosecute those guilty of cross-border trafficking and particularly those accused of cross-border sex trafficking. The CBTIP, the ATIPD and the Myanmar Police Force officers should make greater efforts to investigate and prosecute cases of labour trafficking that occur within Myanmar's borders.

¹⁶⁹ See indicators of coercive working and living conditions in section 5.3.1.

¹⁷⁰ See Chapter 2 for analysis of Myanmar's laws related to labour and human trafficking.

5. Addressing specific problems prevalent among male, female and child respondents and in particular industries

The survey findings revealed no difference in the rates of trafficking among adult male and female respondents; however, children were more likely to be in a situation of trafficking than adults, and girls were more likely to be in a situation of trafficking than boys. Women across all industries earned significantly less money than their male counterparts in the same industries, except for female respondents working in hotels, who earned more. Among all industries, male respondents working in mining and fishing jobs and female domestic workers experienced the highest rates of trafficking for forced labour.¹⁷¹ Qualitative interviews with adult female sex workers also revealed particular issues in that industry that could be more comprehensively understood and addressed.¹⁷²

Recommended action

- i. The Government, private research institutes or other organizations should initiate research to develop a better understanding of the working conditions among female domestic workers. The research should determine the types of labour abuse they face as well as public perceptions and attitudes that may contribute to such abuse. International and local organizations should support domestic workers in developing their own networks and organizations to lobby for legislative reform. The MOLES should consider amending particular labour laws to include domestic workers. The Government should consider ratifying the ILO Domestic Workers Convention (No. 189), which contains a range of measures to ensure the promotion and protection of the human rights of domestic workers.
- ii. The FGLID should collaborate closely with the Department of Fisheries and the Department of Mines to ensure that labour inspectors are reaching fishing boats and mines in remote areas and where exploitation is prevalent. Workers in such remote areas should have a means to communicate with family and with government authorities. The ATIPD should undertake joint activities with the Myanmar Navy to patrol the sea for cases of trafficking on fishing boats in domestic waters.
- iii. Because this survey collected only a small amount of qualitative data on the working conditions of sex workers, research institutions and other actors may consider undertaking more in-depth qualitative and quantitative research to develop an accurate picture of the industry. Among many worthwhile topics, the research may aim to: identify reasons why women or girls “enter” the industry; the working conditions of sex workers in different segments of the industry; the reasons why it is difficult for women or girls to “exit” the industry; and public attitudes towards and perceptions of sex workers that may contribute to the discrimination and abuse that they experience. The current review of Myanmar law on prostitution should include representatives of the well-established sex worker networks and organisations in the consultations with lawyers, government officials and other experts.
- iv. International and local organizations should undertake trafficking prevention activities aimed at children, based on the findings of this and other studies. According to this study, for instance, girls from particularly poor households, those who did not attend upper secondary education (grades nine and ten) and those who left their schooling in order to work to contribute to the household were at higher risk of ending up in a situation of trafficking for forced labour, compared with other child respondents.
- v. Employers are strongly encouraged to pay men and women equal salaries for the same type of work. The MOLES should consider developing an anti-discrimination policy that encourages employers to determine salaries based on the experience and abilities of each worker, irrespective of sex. This policy could be monitored by the LEOs and the FGLID during employment contract and labour inspection processes.

¹⁷¹ For the research findings on respondents in these industries, see section 5.3.4.

¹⁷² For a summary of the focus group discussions with sex workers, see Box 4 in section 5.3.4.

- vi. Research institutions and other actors should undertake in-depth quantitative and qualitative research to develop a more comprehensive picture of the working and living conditions of internal migrants in specific industries.

6. Ensuring adequate housing for migrant workers

The survey respondents reported the problem of insecure and inadequate housing. Specifically, some internal migrants could not afford to rent housing and ended up building housing illegally on government-owned or privately-owned land, where they faced eviction or had to pay bribes to stay. Additionally, most respondents lived in housing provided by their employer and incurred a range of movement restrictions as a result. Housing issues were particularly relevant to women, with female respondents more likely to live in employer-provided housing and to report feeling unsafe in their housing than male respondents.¹⁷³

Recommended action

All relevant actors may refer to the ILO Workers' Housing Recommendation, 1961 (No. 115) for guidance on forming a national housing policy in which "adequate and decent housing accommodation and a suitable living environment are made available to all workers and their families".¹⁷⁴ Among the guidelines, the following are relevant to the findings of the survey.

- i. It is advisable to set up a national housing body that can study and assess the needs for workers' housing and community facilities as well as formulate housing programmes; this body should include representatives of employers' and workers' organizations (Article 8).
- ii. It is not always advisable for employers to provide housing for their workers directly because this type of arrangement may limit the freedom and privacy of workers. When housing is provided by an employer, the fundamental human rights of workers should be recognized. As an alternative, employers could provide housing to workers through public or private agencies (Article 12, 1–2).
- iii. As a general principle, the appropriate government authority should ensure structural safety and reasonable levels of decency, hygiene and comfort by establishing minimum housing standards in light of local conditions and take appropriate measures to enforce these standards (Article 19).
- iv. The specific nature of housing arrangements should be included in the written contract, which can be monitored by the FGLLID or other relevant authorities.

7. Building relationships between civil society, government authorities and workers to discuss problems and report violations as they occur

Focus group discussions with study respondents revealed a distrust of authorities and a resulting hesitancy to report violations of labour laws and other abuses committed by recruiters and employers. Respondents also lacked an awareness of available complaints mechanisms or were reluctant to file complaints, either due to a belief that no action would be taken or out of fear that they would lose their job. It is critical for migrants and other workers to report problems early on to prevent a situation of voluntary labour migration from becoming a situation of trafficking for forced labour. When cases of trafficking have occurred, it is equally important that the perpetrators

¹⁷³ For the research findings on housing issues, see section 5.2.6.

¹⁷⁴ For the full text of the Recommendation, see: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312453.

are identified through strong reporting mechanisms and prosecuted to prevent repeated abuse.

Recommended action

- i. All authorities with the ability to receive types of complaints from internal labour migrants and workers in Myanmar should focus their efforts towards improving information sharing and communication. Trust can be built among workers and authorities through the availability of efficient complaints mechanisms and referral services. It would be particularly useful to design a communications strategy to ensure that any policy, regulation or avenue for receiving complaints that is put in place is communicated clearly to workers.
- ii. The MOLES and other relevant actors should raise awareness on the existence of the MOLES complaints mechanism and its availability to internal migrants, including specifying the types of problems that can be submitted and potential action that would be taken by the Government.
- iii. The Township Labour Administration Offices should conduct awareness-raising activities regarding their role and the types of labour violation complaints that can be submitted to them. Special efforts should be made to strengthen the faith that workers have in the labour offices, including maintaining communication with workers on open cases and general awareness raising to inform workers of other cases that have been submitted and for which action was taken.
- iv. Township-level ATTF personnel should undertake similar activities in raising awareness with internal migrant worker populations on the existence and role of the ATTF and its associated hotlines. The campaigns should also inform workers on the types of recruitment and labour issues that constitute violations of the Anti-Trafficking in Persons Law.
- v. The FGLLID inspectors should further develop relationships with workers through labour organizations and Workplace Coordinating Committees. As there is currently a perception among workers that labour inspectors communicate only with employers, labour inspectors should organize meetings with workers to determine if their working conditions are consistent with their individual contracts and with Myanmar law.

Appendix: Respondent questionnaire



International Labour Organization

CONFIDENTIAL

All personal identification information collected in this survey is strictly confidential.

Questionnaire Type 1 Current Internal Labour Migrants in Destination Areas

Respondent identification information			Interview information		
1	Name:		7	Interview date (DD/MM/YY):	
2	Village:		8	Interview start time (24 hours):	
3	Village tract/ward:		9	Interview end time (24 hours):	
4	Township:		10	Interview result code 1 = Completed 2 = Interview stopped/not completed	
5	State/region:		11	Enumerator's ID #:	
6	Phone number:				

Signatures			
	Enumerator	Respondent	Data entry officer
Name:			
Date (DD/MM/YY):			
Signature:			

Part 1: General information about the interviewee at the time of interview

1. How old are you now?

_____ (age at most recent birthday)

2. What is your gender?

1. Female
2. Male
3. Transgender
4. Other: _____

3. What is your ethnicity?

1. _____
2. _____ and _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

4. What is your religion?

1. Buddhism
2. Christianity
3. Islam
4. Hinduism
5. Animism
6. Judaism
7. Sikhism

8. None

9. Other: _____

98. I do not know the answer to this question.

99. I do not want to answer this question.

5. What is your marital status?

1. Never married
2. Engaged
3. Co-habitant
4. Married
5. Divorced
6. Separated

7. Widowed

98. I do not know the answer to this question.

99. I do not want to answer this question.

6. In which state/region were you born?

1. Ayeyarwady
2. Bago
3. Chin
4. Magway
5. Mandalay
6. Mon
7. Nay Pyi Taw
8. Kachin
9. Kayah
10. Kayin

11. Rakhine

12. Sagaing

13. Shan

14. Tanintharyi

15. Yangon

98. I do not know the answer to this question.

99. I do not want to answer this question.

7. In your life, how many different states/regions have you lived in for two years or more?

1. _____ (number of states/regions)

Part 2: Job history**8. Please think about the first job you took when migrating to this area. Is that job your current job or is it a previous job?**

1. A previous job.
2. A current job.

9. Job history chart					
Job #	Main task performed and establishment	Main output of where you work	Monthly wage (kyat)	From MM/YY	To MM/YY
Job #1 (current job)	_____ Occupation code: _____	_____ Industry code: _____			
Job #2	_____ Occupation code: _____	_____ Industry code: _____			
Job #3	_____ Occupation code: _____	_____ Industry code: _____			

Part 3: Education history

Now, I will ask you about your education at the time when you were working in the _____ (refer to the first job they took when migrating).

10. Before you migrated to the current place for work, which standard had you completed? (can select more than one answer)

- | | |
|--|---|
| 1. Kindergarten. | 8. Informal monastic education. |
| 2. _____ (1–10). | 9. Informal education provided by a Christian church. |
| 3. Started _____ standard, but failed/dropped out. | 10. Informal Islamic education. |
| 4. Technical education (VT). | 11. Other: _____. |
| 5. University completed. | 98. I do not know the answer to this question. |
| 6. Started _____ year of university, but failed/dropped out. | 99. I do not want to answer this question. |
| 7. Formal monastic education equivalent to primary level. | |

11. Why did you finish attending school at that standard? (can select more than one answer)

- | | |
|---|---|
| 1. The person who decided (myself or other) felt I had received enough education. | 8. Because I moved to another place. |
| 2. I did not like school. | 9. Because I moved to another place and the new school would not accept my previous school certificate. |
| 3. I was not treated well in school. | 10. Due to a personal or family problem. |
| 4. I wanted to continue, but did not have enough money (for school fees). | 11. To join a monastery. |
| 5. Additional schooling was not available in my area. | 12. Other: _____. |
| 6. Because I needed to provide money to my family. | 98. I do not know the answer to this question. |
| 7. Because I failed a standard. | 99. I do not want to answer this question. |

Part 4: Recruitment conditions

Now, I will ask you questions about your recruitment into _____ (refer to the first job taken when they came to the current location).

12. Where were you before you came to this area for the job we are discussing?

Village tract/ward: _____.

Village: _____ (Skip for people who live in wards).

Township: _____.

State/region: _____ (including Nay Pyi Taw).

13. When you were recruited into the job, how old were you?

1. _____ (age completed at that time).

14. Who made the decision that you would migrate to work?

- | | |
|--|--|
| 1. Myself alone. (Go to Q16) | 98. I do not know the answer to this question. |
| 2. Myself together with other people. (Go to Q16) | (Go to Q16) |
| 3. Other people made the decision for me without my consent. (Go to Q15) | 99. I do not want to answer this question. (Go to Q16) |

15. Which other people made the decision without your consent? (can select more than one answer)

- | | |
|--------------------------|--|
| 1. Parents. | 8. Recruiter. |
| 2. Guardian. | 9. Employer. |
| 3. Siblings. | 10. Other: _____. |
| 4. Spouse. | 98. I do not know the answer to this question. |
| 5. Boyfriend/girlfriend. | 99. I do not want to answer this question. |
| 6. Other relative. | |
| 7. Friend. | |

16. Why was it decided that you would migrate for work? (can select more than one answer)

- | | |
|--|---|
| 1. Need for money. | 15. Escaping a crime I committed. |
| 2. Not satisfied in job at that time. | 16. Drug addiction. |
| 3. No jobs in my home village/ward area. | 17. Domestic violence (physical or sexual). |
| 4. To follow family members. | 18. Change in government policy that had an impact on financial situation of household. |
| 5. Interest in a particular job/skill. | 19. Ethnic or religious problems. |
| 6. Because of a connection with an employer in that destination area. | 20. Not welcome in community. Why?: _____. |
| 7. Wanted to stand on my own feet. | 21. Other: _____. |
| 8. Death of breadwinner in family. | 98. I do not know the answer to this question. |
| 9. Natural disaster (that destroyed home or livelihood). | 99. I do not want to answer this question. How was the job initially found out? |
| 10. Physical abuse. | |
| 11. Armed conflict in your area. | |
| 12. Confiscation of land. | |
| 13. Confiscation of property. | |
| 14. Traditional forced labour of you or any household members ordered by military or civilian officials. | |

17. How was the job initially found out?

1. Another person told me about the job.
2. Newspaper.
3. Magazine (Journal).
4. Flyer.
5. Online social media.
6. Other:_____.
98. I do not want to answer this question. (Go to Q26)
99. I do not want to answer this question.

18. Did a person help arrange your recruitment into the job?

1. Yes. (Go to Q19)
2. No. (Go to Q26)
98. I do not know the answer to this question. (Go to Q26)
99. I do not want to answer this question. (Go to Q26)

19. Who helped arrange your recruitment into the job? (can select more than one answer)

- | | |
|---|--|
| 1. Broker/recruiter (<i>pwe sar</i>). | 11. A worker who was already working in the job I was being recruited for. |
| 2. Employment agency. | 12. Authorities. |
| 3. Employer. | 13. Other:_____. |
| 4. Parents. | 98. I do not know the answer to this question. |
| 5. Relative. | 99. I do not want to answer this question. |
| 6. Friend. | |
| 7. Guardian. | |
| 8. Siblings. | |
| 9. Spouse. | |
| 10. Acquaintance. | |

20. Did you already know the person who helped arrange your recruitment into the job?

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

21. Did the person who helped recruit you into the job have a recruitment / broker license?

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

22. Did you have to pay to get the job (to a recruiter or employer)?

1. Yes, specify how much money:_____ OR non-monetary payment:_____.
(Go to Q23)
2. No. (Go to 25)
98. I do not know the answer to this question. (Go to 25)
99. I do not want to answer this question. (Go to 25)

23. To whom did you pay?

1. Recruiter/broker.
2. Employer.
3. Employment agency.
4. Family member.
5. Other: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

24. Did you have to borrow money to pay the fee to get the job (recruitment fee)?

1. Yes. How much?: _____.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

25. Did you already have a debt with the recruiter?

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

26. Was the job arranged before migrating or upon arrival in the new place?

1. In advance.
2. On arrival.
98. I do not know the answer to this question.
99. I do not want to answer this question.

27. Who organized your travel from origin to destination/work place area? (can select more than one answer)

- | | |
|------------------------------|--|
| 1. Myself alone. (Go to Q29) | 10. Spouse. |
| 2. Recruiter/broker. | 11. Boyfriend/girlfriend. |
| 3. Employment agency. | 12. Acquaintance. |
| 4. Employer. | 13. Authorities (government or non-state). |
| 5. Parents. | 98. I do not know the answer to this question. |
| 6. Relative. | 99. I do not want to answer this question. |
| 7. Friend. | |
| 8. Guardian. | |
| 9. Sibling. | |

28. I will read a list of issues that might have been committed by the person who helped to recruit you, the employer or driver/transporter while traveling from origin to destination/work place area. Please choose one of the options: “this was threatened” or “this actually happened to me” or “this actually happened to other migrants on the way” or “never happened” or “I do not want to answer”.

Types of threat or abuse.... (This act must be committed by the recruiter, employer or people were responsible for facilitating the travel arrangements from one place to another. This does not include a random act committed by an outside person.)		1. This was threatened	2. This actually happened to me	3. This actually happened to other migrants on the way	4. Never happened	99. I do not want to answer
28.a	Physical violence					
28.b	Sexual violence					
28.c	Physically harming family members					
28.d	Deprivation of food, water or sleep					
28.e	Confiscation of ID card or papers					
28.f	Report to authorities					
28.g	Religious retribution					
28.h	Inappropriate sexual/physical touching					
28.i	Insult and embarrassment regarding intelligence or physical appearance					
28.j	Harming family members' reputation					
28.k	Exclusion from community and social life					
28.L	Withholding of assets (cash or other)					
28.m	Increased debt					
28.n	Confiscation of land					
28.o	Confiscation of property					
28.p	Confined/locked up for a part of the trip					
28.q	Under constant surveillance throughout the journey					
28.r	Abducted/kidnapped					
28.s	Bought or sold into the job					
28.t	Other threat or abuse:					

Part 5: Job contract or agreement

29. What type of employment agreement do you have regarding the conditions of the job?

1. Written contract with employer. (Go to Q30)
2. Verbal agreement with employer. (Go to Q32)
3. Information about the job provided by another person. (Go to Q32)
4. I started the job without any information provided at all. (Go to Q33)
98. I do not know the answer to this question. (Go to Q33)
99. I do not want to answer this question. (Go to Q33)

30. Did you understand the written content of the contract?

1. Fully understood. (Go to Q32)
2. Partly understood. (Go to Q31)
3. Not understood at all. (Go to Q31)
98. I do not know the answer to this question. (Go to Q32)
99. I do not want to answer this question. (Go to Q32)

31. Why was the written contract only partly understood or not understood at all?

1. Never had a chance to read it at all.
2. Did not have enough time to read it.
3. Terms/words I did not understand.
4. Not written in my mother-tongue language.
5. I cannot read.
6. Other: _____
98. I do not know the answer to this question.
99. I do not want to answer this question.

32. I am going to read a list of topics regarding the employment conditions. First tell me if this was “not discussed”, provided in a “verbal agreement” by the employer or another person or “written in a contract”. Then, think about the actual employment conditions, and tell me if it was “as promised” or “worse”. (This relates to the previous question, whenever that agreement was made/information was provided, that is the “before” time. The answer should be written as an “X” below.)

		Before (time of contract/verbal agreement/ information provided)				After (the reality when working in the job)		
Topic		1. Not discussed	2. Verbal agreement	3. Written in contract	99. I do not want to answer	4. In reality, it was as promised	5. In reality, it was worse	99. I do not want to answer
32.a	General industry (i.e. mining, domestic work, construction, plantation work)							
32.b	Specific tasks (i.e. carrying bricks, sewing pockets, cleaning tables)							
32.c	Employer							
32.d	Location of job							
32.e	Wage amount							
32.f	Who wages are paid to (self or other)							
32.g	Payment interval (daily, weekly, monthly)							
32.h	Hours of work							
32.i	Overtime pay							
32.j	Housing/living conditions							
32.k	Travel/migration conditions							
32.L	Length of employment							
32.m	Time off for personal reasons (i.e. holiday, death in family)							
32.n	Sick leave							
32.o	Compensation for job-related accidents or illness							
32.p	Free food supply as a benefit, e.g. nga-pyi or rice							
32.q	System of paying off debt							

33. What would have happened if you refused the recruitment offer? (any negative impact from not taking the job; can select more than one answer)

- | | |
|---|--|
| 1. Nothing. | 12. Increased debt. |
| 2. Family members would be extremely disappointed. | 13. Exclusion from future employment. |
| 3. I would have been taken by force (kidnapped/abducted). | 14. Exclusion from community. |
| 4. Reported to authorities. | 15. Confiscation of land. |
| 5. Confiscation of ID card or papers. | 16. Confiscation of property. |
| 6. Sexual violence. | 17. Other type of penalty/threat: _____. |
| 7. Physical violence. | 18. Other issue: _____. |
| 8. Religious retribution. | 98. I do not know the answer to this question. |
| 9. Withholding of assets (cash or other). | 99. I do not want to answer this question. |
| 10. Physical harm to family members. | |
| 11. Harm to my family's reputation. | |

34. Did you have a Citizenship Scrutiny Card (CSC) – the pink card – at the time when you took the job we are discussing?

1. Yes. (Go to Q37)
2. No. (Go to Q35)
98. I do not know the answer to this question. (Go to Q37)
99. I do not want to answer this question. (Go to Q37)

35. Why didn't you have a CSC card (the pink card)?

1. I have a guest card – the white card.
2. I have a naturalized citizen card – the green card.
3. Other reason: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

36. Since you do not have a CSC (the pink card), did that impact your ability to get a job while you were searching for a job?

1. No, it had no impact.
2. Yes, I could not get the job because I did not have a CSC (pink) card.
3. Yes, the employer wanted to hire people without CSC (pink) cards.
98. I do not know the answer to this question.
99. I do not want to answer this question.

Part 6: Household financial situation

Now, I will ask you questions about your household financial situation at the time of recruitment into _____ (refer to the first job taken in current area).

37. Just before you migrated to this area for work, how many people lived in your household including you?

1. #: _____ (including respondent).
98. I do not know the answer to this question.
99. I do not want to answer this question.

38. At that time, how many people were working and earning money?

1. #: _____ (including respondent).
98. I do not know the answer to this question. (Go to Q40)
99. I do not want to answer this question. (Go to Q40)

39. At that time, how much money did your household earn in one year? (help the respondent estimate total earnings of all household members together)

1. Yes, amount: _____ (kyat).
98. I do not know the answer to this question.
99. I do not want to answer this question.

40. At that time, can you estimate the total financial debt of your household?

1. Yes, monetary debt: _____ (kyat) and/or _____ (non-monetary).
2. My family has no debt.
98. I do not know the answer to this question.
99. I do not want to answer this question.

Part 7: Conditions of work

Now, I will ask you questions about your experience working in the job _____ (Again mention the first job taken when they arrived in current area, i.e. "sewing pockets at factory in Mandalay").

41. Regarding the first job you took when you migrated to the current place, where is the job located? (If more than one area, choose the area where most time is spent.)

Village tract/ward: _____.

Village: _____.

Township: _____.

State/region: _____.

42. How long did you work in this job?

1. Less than 1 year.
2. Around 1 year.
3. About 2 years.
4. About 3 years.

43. For younger than 18 only: Are you working in your job together with your parent/guardian?

1. Yes, I am working for my parent/guardian (parent/guardian is the employer).
2. Yes, I am working together with my parent/guardian (parent/guardian is also a worker).
3. No, I am not working together with my parent/guardian.
98. I do not know the answer to this question.
99. I do not want to answer this question.

44. In what type of establishment did you carry out your main work?

- | | |
|---------------------------------------|--|
| 1. Formal office. | 9. Fixed, street or market stall. |
| 2. Client's home. | 10. Pond / lake / river. |
| 3. Factory. | 11. Other: _____ |
| 4. Plantation/ farm/ garden. | 98. I do not know the answer to this question. |
| 5. Construction site. | 99. I do not want to answer this question. |
| 6. Mine/ quarry. | |
| 7. Shop / kiosk / restaurant / hotel. | |
| 8. Different places (mobile). | |

45. Did the above location (previous question) belong to your family?

1. Yes.
2. No.
3. Not relevant (there was no specific location).
98. I do not know the answer to this question.
99. I do not want to answer this question.

46. Who receives the wages for the work you do in this job?

1. Myself.
2. Family member.
3. Friend/acquaintance.
4. Recruiter.
5. Employer.
98. I do not know the answer to this question.
99. I do not want to answer this question.

47. How often are you paid wages for the job in practice/reality? (payment can be to worker or other party based on arrangement)

- | | |
|---|--|
| 1. Daily. | 9. There is no payment for my work. |
| 2. Weekly wage. | 10. Other: _____. |
| 3. Twice per week. | 98. I do not know the answer to this question. |
| 4. Monthly wage. | 99. I do not want to answer this question. |
| 5. Yearly wage. | |
| 6. Twice per year. | |
| 7. Piecemeal or after doing a certain task. | |
| 8. No set payment period. | |

48. How many days per week do you usually work?

1. Number of days: _____
2. Less than 1 day.

98. I do not know the answer to this question.
99. I do not want to answer this question.

49. How many hours do you usually work per day?

1. _____ hours (exclude breaks and lunch).
98. I do not know the answer to this question.
99. I do not want to answer this question.

50. How much time off are you allowed per day? (this includes lunch time and other breaks the workers can take throughout the day)

1. 1 hour.
2. 2 hours.
3. 3 hours.
4. Small breaks when I am not actively working.
5. No breaks.
6. Other: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

51. How much time off are you allowed per month?

1. _____ (days) paid time off.
2. _____ (days) unpaid time off.
3. _____ (days) partially paid time off.
4. No time off.
98. I do not know the answer to this question.
99. I do not want to answer this question.

52. Did you have a debt to the employer/boss/manager/owner when you started employment?

1. Yes, without my consent. Specify how much money: _____ kyat. (Go to Q53)
2. Yes, with my consent. Specify how much money: _____ kyat. (Go to Q53)
3. No. (Go to Q55)
98. I do not know the answer to this question. (Go to Q55)
99. I do not want to answer this question. (Go to Q55)

53. Why did you have that debt to the employer? (can select more than one answer)

1. Borrowed money from the employer in advance of receiving wages.
2. It was transferred from the recruiter.
3. It is a family debt that I am paying off with my work.
4. Other: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

54. What happened to that debt?

1. It did not change in amount.
2. It has increased with my consent.
3. It increased without my consent.
4. Other: _____
98. I do not know the answer to this question.
99. I do not want to answer this question.

55. I will read you a list of issues and please tell me if your employer or people affiliated with your employer forced you OR pressured you OR made you feel “ah nah de” to do any of these things. You can say “never” or “sometimes” or “very often” or “I do not want to answer”.
(The answer should be written as an “X” below.)

Employer or associates....		1. Never	2. Sometimes	3. Very often	99. I do not want to answer.
55.a	Work “on call”: at random times when the employer wants without asking you if you would agree to it				
55.b	Work for the employer’s extended family or associates without your consent				
55.c	Commit acts that you think might be illegal				
55.d	Encourage you to take mentally or physically altering substances, such as methamphetamines (local terms: “athee” / “myinn ze” / “ya maa” / “ya baa” / “asean”) or opium				
55.e	Provide sexual services for the employer or associates				

56. Does your employer require overtime work?

1. Yes. (Go to Q57)
2. No. (Go to Q59)
98. I do not know the answer to this question. (Go to Q59)
99. I do not want to answer this question. (Go to Q59)

57. Do you have a choice to do the overtime work?

1. Yes, it is optional.
2. No, I have no choice and must do “overtime” work.
98. I do not know the answer to this question.
99. I do not want to answer this question.

58. Are you paid extra money for overtime work?

1. Yes.
2. No.
3. I do not get paid for the overtime work, but I am entitled to non-monetary compensation.
Specify: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

59. Can you leave or resign from your job at any time? (can choose more than one answer)

1. Yes, at any time, as long as the terms of the contract are respected (i.e. give notice).
2. No, because there are no jobs available locally.
3. No, the employer will not let me resign.
4. No, because I have to pay off my debt or wage advance.
5. No, because I have to wait for my wages.
6. No, other: _____.
98. I do not want to answer this question.

60. I will read a list of issues that might have happened in your job by the employer or associates. Please say if "this was threatened", "this actually happened to me", "this actually happened to my co-workers", "never happened" or "I do not want to answer". (The answer should be written as an "X" below.)

Issue... (Can choose more than one answer among 1-3, OR 4 alone OR 99 alone.)		1. This was threatened	2. This actually happened to me	3. This actually happened to my co-workers	4. Never happened	99. I do not want to answer
60.a	Physical violence					
60.b	Sexual violence (rape or attempted rape)					
60.c	Physically harming family members					
60.d	Confined in place of work					
60.e	Confined in place of living					
60.f	Under constant surveillance while working					
60.g	Isolation					
60.h	Withholding of wages					
60.i	Withholding of property (house, jewellery)					
60.j	Withholding of promised benefits (food supply or other)					
60.k	Deprivation of food, water or sleep					
60.L	Confiscation of ID card or papers					

60.m	Report to authorities					
60.n	Religious retribution					
60.o	Inappropriate physical or sexual touching					
60.p	Insult and embarrassment regarding intelligence or physical appearance					

Part 8: Health and safety

Now I will ask you questions about health and safety conditions in the _____ (enumerator to refer to the first job the migrant took when coming to the current place).

61. Were you exposed to any of the following at work? (can select more than one answer)

- | | |
|--|--|
| 1. Dust, fumes. | 11. Work in a very confined space. |
| 2. Fire, gas, flames. | 12. Insufficient ventilation. |
| 3. Loud noise or vibration. | 13. Chemicals (pesticides, glues, dyes, etc.). |
| 4. Extreme hot or cold air temperature. | 14. Explosives (materials that are intended to explode). |
| 5. Touching extremely hot or cold materials. | 15. Live electricity. |
| 6. Toxic smells. | 16. Other things, processes or conditions dangerous for your health and safety, specify: _____ |
| 7. Work underground. | 17. No. |
| 8. Work at heights. | 98. I do not know the answer to this question. |
| 9. Work in water/lake/pond/river. | 99. I do not want to answer this question. |
| 10. Workplace very dark. | |

62. Have you had any injuries or health problems because of your work? (can select more than one answer)

- | | |
|--|--|
| 1. Superficial injuries or open wounds . | 11. Body swelling. |
| 2. Fractures. | 12. Changes to a girl/woman's menstrual cycle. |
| 3. Dislocations, sprains or strains. | 13. Existing health problem got worse: Specify, what health problem: _____ |
| 4. Burns, corrosions, scalds or frostbite. | 14. Other, specify: _____ |
| 5. Breathing problems. | 15. No. (Go to Q64) |
| 6. Eye problems. | 98. I do not know the answer to this question. (Go to Q64) |
| 7. Skin problems. | 99. I do not want to answer this question. (Go to Q64) |
| 8. Stomach problems/ diarrhoea. | |
| 9. Fever. | |
| 10. Extreme fatigue. | |

63. Did the work-related injuries/illness mentioned in previous question force you to stop work?

1. No.
2. Yes, for less than one day.
3. Yes, between one and three days.
4. More than three days.
5. Permanently, I could never work again because of that injury/illness.
99. I do not want to answer this question.

64. If you are very sick or injured, can you request time off from the job?

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

65. Only ask if they are not still working in the job: Why did you leave the job?

1. Completed contract/assignment.
2. Quit. Why? _____.
3. Was fired/dismissed. Why? _____.
4. Other: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

Part 9: Living conditions

Now, I will ask you about your living conditions during the time when you were working

_____ (enumerator refers to the 1st job they took when migrating to the current place).

66. Are your living quarters provided by your employer?

1. Yes. (Go to Q67)
2. No. (Go to Q78)
98. I do not know the answer to this question. (Go to Q78)
99. I do not want to answer this question. (Go to Q78)

67. Do you feel safe and secure in your living quarters?

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

68. Can you ask your employer to move you to different living quarters due to a serious problem? (serious problem means a threat to physical safety or mental health)

1. Yes.
2. No.
98. I do not know the answer to this question.
99. I do not want to answer this question.

69. Do you have enough privacy in your living quarters?

- 1. Yes.
- 2. No, specify why not: _____.
- 98. I do not know the answer to this question.
- 99. I do not want to answer this question.

70. How many other people do you share a sleeping room with?

- 1. _____ (# of people same gender including respondent).
- 2. _____ (# of people mixed gender including respondent).
- 3. Alone.
- 99. I do not want to answer this question.

71. Is your employer or any staff or associates constantly watching you at your living quarters? (this does not include a security guard who is simply posted outside for security/safety purposes)

- 1. Yes.
- 2. No.
- 98. I do not know the answer to this question.
- 99. I do not want to answer this question.

72. How do you travel from your living quarters to place of work?

- 1. No travel, same building as place of work. (Go to Q74)
- 2. Walking; how many minutes: _____. (Go to Q73)
- 3. Public transportation; how many minutes: _____. (Go to Q73)
- 4. Employer arranged transportation; how many minutes: _____. (Go to Q73)
- 99. I do not want to answer this question. (Go to Q74)

73. Are workers watched carefully by an employer's representative while traveling between the living quarters and work place?

- 1. Yes.
- 2. No.
- 98. I do not know the answer to this question.
- 99. I do not want to answer this question.

74. Can you leave your living quarters at any time outside of working hours?

- 1. Yes.
- 2. No, we are not allowed to by the employer.
- 3. Sometimes, but only with permission from the employer.
- 98. I do not know the answer to this question.
- 99. I do not want to answer this question.

75. Can you contact family members by phone?

1. Yes.
2. No, I am not allowed to by my employer.
3. Sometimes, but only with permission from the employer.
4. No, for financial reasons.
5. No, for other reason not related to the employer or finances: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

76. Can your family members visit you?

1. Yes.
2. No, it is not allowed by my employer.
3. Sometimes, but only with permission from my employer.
4. No, for other reason not related to the employer, specify: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

77. Can you visit your family?

1. Yes.
2. No, it is not allowed by my employer.
3. Sometimes, but only with permission from my employer.
4. No, for other reason not related to the employer, specify: _____.
98. I do not know the answer to this question.
99. I do not want to answer this question.

78. We have reached the end of the interview. Is there anything else you would like to say?

Thank you for participating in this interview.

Building an evidence-base on internal labour migration in Myanmar

The International Labour Organization has collaborated with the Government of Myanmar to end forced labour since 2002. In 2011 when Myanmar began a political, economic and legal reform process, the Government began engaging with the international community more actively and broadly than it had in previous decades. This has included initiatives that recognize the prevalence of human trafficking and forced labour occurring in the private sector across and within its borders. Internal labour migration has been steadily increasing in Myanmar and is likely to continue to do so in the context of the country's rapid economic development and growth. Migration is also occurring in a social and legal context that is conducive to human trafficking. Recognizing the emerging opportunities and related research needs, the ILO-Yangon partnered with the Government and a network of civil society organizations in 2015 to conduct a survey among 7,295 internal labour migrants to identify patterns in migration, human trafficking and forced labour. The findings and related recommendations provide a basis for conceiving evidence-based actions that could be carried out by a range of community, government, private and international actors to prevent the abuse and exploitation of internal labour migrants in Myanmar.

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